

Act No. 616
Public Acts of 2012
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STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012

**Introduced by Senators Proos, Green, Marleau, Robertson, Emmons, Pappageorge, Hansen, Brandenburg
and Hildenbrand**

ENROLLED SENATE BILL No. 1141

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 760.1 to 777.69) by adding chapter XIA.

The People of the State of Michigan enact:

CHAPTER XIA

Sec. 1. This chapter shall be known and may be cited as the “probation swift and sure sanctions act”.

Sec. 2. As used in this chapter:

- (a) “Circuit court” includes a unified trial court having jurisdiction over probationers.
- (b) “Probationer” means an individual placed on probation for committing a felony.

Sec. 3. It is the intent of the legislature to create a voluntary state program to fund swift and sure probation supervision at the local level based upon the immediate detection of probation violations and prompt the imposition of sanctions and remedies to address those violations. In furtherance of this intent, the state swift and sure sanctions program is created with the following objectives:

(a) Probationers are to be sentenced with prescribed terms of probation meeting the objectives of this chapter. Probationers are to be aware of their probation terms as well as the consequences for violating the terms of their probation.

(b) Probationers are to be closely monitored and every detected violation is to be promptly addressed by the court.

(c) Probationers are to be arrested as soon as a violation has been detected and are to be promptly taken before a judge for a hearing on the violation.

(d) Continued violations are to be addressed by increasing sanctions and remedies as necessary to achieve results.

(e) To the extent possible and considering local resources, probationers subject to swift and sure probation under this chapter shall be treated uniformly throughout the state.

Sec. 4. (1) Beginning January 1, 2013, the state court administrative office shall, under the supervision of the supreme court, provide grants under this chapter to fund programs of swift and sure probation supervision in the circuit court that meet the objectives set forth in section 3 and the requirements of section 5.

(2) A court may apply for a grant to fund a program of swift and sure probation supervision under this chapter by filing a written application with the state court administrative office in the manner required by that office. The funding of all grants under this chapter is subject to appropriation.

Sec. 5. (1) A program of swift and sure probation supervision funded under section 4 shall do all of the following:

(a) Require the court to inform the probationer in person of the requirements of his or her probation and the sanctions and remedies that may apply to probation violations.

(b) Require the probationer to initially meet in person with a probation agent or probation officer and as otherwise required by the court.

(c) Provide for an appearance before the judge for any probation violation as soon as possible but within 72 hours after the violation is reported to the court unless a departure from the 72-hour requirement is authorized for good cause as determined by criteria established by the state court administrative office.

(d) Provide for the immediate imposition of sanctions and remedies approved by the state court administrative office to effectively address probation violations. The sanctions and remedies approved under this subdivision may include, but need not be limited to, 1 or more of the following:

(i) Temporary incarceration in a jail or other facility authorized by law to hold probation violators.

(ii) Extension of the period of supervision within the period provided by law.

(iii) Additional reporting and compliance requirements.

(iv) Testing for the use of drugs and alcohol.

(v) Counseling and treatment for emotional or other mental health problems, including for substance abuse.

(vi) Probation revocation.

(2) The state court administrative office may, under the supervision of the supreme court, do any of the following regarding programs funded under this chapter:

(a) Establish general eligibility requirements for offender participation.

(b) Require courts and offenders to enter into written participation agreements.

(c) Create recommended and mandatory sanctions and remedies for use by participating courts.

(d) Establish criteria for deviating from recommended and mandatory sanctions and remedies when necessary to address special circumstances.

(e) Establish a system for determining sanctions and remedies that should or may be imposed under subdivision (c) and for alternative sanctions and remedies under subdivision (d).

Sec. 6. The state court administrative office may, under the supervision of the supreme court, consult with the department of corrections when establishing initial programming and eligibility requirements under this chapter.

Sec. 7. The state court administrative office shall, under the supervision of the supreme court, review programs funded by grants under this chapter on an annual basis for effectiveness and for compliance with the requirements of this chapter. The state court administrative office shall, under the supervision of the supreme court, report its findings under this section in writing to the secretary of the senate and to the clerk of the house of representatives not later than March 1, 2013, and not later than March 1 annually thereafter. The report shall also identify each court that has applied for a grant under this chapter, the amount requested, and the amount received.

Sec. 8. Programs funded under this chapter shall be subject to audit by the state court administrative office.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1179 of the 96th Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved

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Governor