

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

***** 771.4b.added THIS ADDED SECTION IS EFFECTIVE JUNE 29, 2017 *****

771.4b.added Technical probation violation.

Sec. 4b. (1) Except as otherwise provided in this section, beginning on January 1, 2018, a probationer who commits a technical probation violation and is sentenced to temporary incarceration in a state or local correctional or detention facility may be incarcerated for a maximum of 30 days for each technical violation. A probationer must not be given credit for any time served on a previous technical violation. After a probationer serves the period of temporary incarceration under this section, he or she may be returned to probation under the terms of his or her original probation order or under a new probation order at the discretion of the court.

(2) The limit on temporary incarceration under subsection (1) does not apply to a probationer who has committed 3 or more technical probation violations during the course of his or her probation.

(3) The court may extend the period of temporary incarceration under subsection (1) to not more than 90 days if a probationer has been ordered to attend a treatment program as part of his or her probation but for which a treatment bed is not currently available; however, the period of temporary incarceration imposed under subsection (1) must not extend beyond 90 days.

(4) This section does not prohibit the court from revoking a probationer's probation and sentencing the probationer under section 4 for a probation violation, including, but not limited to, a technical probation violation at any time during the course of probation.

(5) If more than 1 technical probation violation arises out of the same transaction, the court shall treat the technical probation violations as a single technical probation violation for purposes of this section.

(6) Subsection (1) does not apply to a probationer who is on probation for a domestic violence violation of section 81 or 81a, or a violation of section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.411h, and 750.411i.

(7) As used in this section, "technical probation violation" means a violation of the terms of a probationer's probation order that is not a violation of an order of the court requiring that the probationer have no contact with a named individual or that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law, and does not include the consumption of alcohol by a probationer who is on probation for a felony violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

History: Add. 2017, Act 9, Eff. June 29, 2017.