

**SUBSTITUTE FOR
HOUSE BILL NO. 4032**

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending sections 25a, 36a, and 85 (MCL 791.225a, 791.236a, and
791.285), sections 25a and 36a as amended by 2002 PA 502 and
section 85 as added by 2006 PA 172.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 25a. (1) The department shall collect supervision fees
2 ordered under section ~~13(2)~~**13** of chapter II or section 1 or 3c of
3 chapter XI of the code of criminal procedure, 1927 PA 175, MCL
4 762.13, 771.1, and 771.3c. The department shall maintain records of
5 supervision fees ordered by the court, including records of payment
6 by persons subject to supervision fees and any amounts of
7 supervision fees past due and owing.



1 (2) A supervision fee is payable when the order of delayed
2 sentence or order of probation is entered, unless the court allows
3 a person who is subject to a supervision fee to pay the fee in
4 monthly installments.

5 (3) The department shall waive any applicable supervision fee
6 for a person who is transferred to another state under the
7 interstate compact entered into pursuant to 1935 PA 89, MCL 798.101
8 to 798.103, or the interstate compact entered into pursuant to **the**
9 **interstate compact for adult offender supervision**, 2002 PA 40, MCL
10 3.1011 to 3.1012, for the months during which he or she is in
11 another state. ~~The~~ **Except as provided in subsection (4), the**
12 department shall collect a supervision fee of ~~not more than \$135.00~~
13 **\$30.00** per month for each month of supervision in this state for an
14 offender transferred to this state under an interstate compact **who**
15 **is being supervised without an electronic monitoring device. If the**
16 **offender is being supervised under this subsection with an**
17 **electronic monitoring device, the department shall collect a**
18 **supervision fee of \$60.00 per month. In determining the amount of**
19 ~~the fee, the department shall consider the offender's projected~~
20 ~~income and financial resources. The department shall use the~~
21 ~~following table of projected monthly income in determining the~~
22 ~~amount of the fee:~~

| | <u>Projected Monthly Income</u> | <u>Amount of Fee</u> |
|----|---------------------------------|---------------------------|
| 23 | \$ 0-249.99 | \$ 0.00 |
| 24 | \$ 250.00-499.99 | \$10.00 |
| 25 | \$ 500.00-749.99 | \$25.00 |
| 26 | \$ 750.00-999.99 | \$40.00 |
| 27 | \$1,000.00 or more | 5% of monthly income, but |
| 28 | | not more than \$135.00 |
| 29 | | |



1 ~~The department may collect a higher amount than indicated by~~
 2 ~~the table, up to the maximum of \$135.00 for each month of~~
 3 ~~supervision in this state, if the department determines that the~~
 4 ~~offender has sufficient assets or other financial resources to~~
 5 ~~warrant the higher amount. If the department collects a higher~~
 6 ~~amount, the amount and the reasons for collecting that amount shall~~
 7 ~~be stated in the department records.~~

8 **(4) The department shall waive any applicable supervision fee**
 9 **for a person who is transferred to another state under the**
 10 **interstate compact entered into pursuant to 1935 PA 89, MCL 798.101**
 11 **to 798.103, or the interstate compact entered into pursuant to the**
 12 **interstate compact for adult offender supervision, 2002 PA 40, MCL**
 13 **3.1011 to 3.1012, if the department determines that the offender is**
 14 **indigent.**

15 **(5)** ~~(4)~~ If a person who is subject to a supervision fee is
 16 also subject to any combination of fines, costs, restitution
 17 orders, assessments, or payments arising out of the same criminal
 18 proceeding, the allocation of money collected for those obligations
 19 ~~shall~~ **must** be as otherwise provided in the code of criminal
 20 procedure, 1927 PA 175, MCL 760.1 to 777.69.

21 **(6)** ~~(5)~~ Twenty percent of the money collected by the
 22 department under this section ~~shall~~ **must** be allocated for
 23 administrative costs incurred by the department in collecting
 24 supervision fees and for enhanced services, as described in this
 25 subsection. Enhanced services include, but are not limited to, the
 26 purchase of services for offenders such as counseling, employment
 27 training, employment placement, or education; public transportation
 28 expenses related to training, counseling, or employment;
 29 enhancement of staff performance through specialized training and



1 equipment purchase; and purchase of items for offender employment.
 2 The department shall develop priorities for expending the money for
 3 enhanced services in consultation with circuit judges in this
 4 state. At the end of each fiscal year, the unexpended balance of
 5 the money allocated for administrative costs and enhanced services
 6 ~~shall must~~ be available for carryforward to be used for the
 7 purposes described in this subsection in subsequent fiscal years.

8 (7) ~~(6)~~—If a person has not paid the full amount of a
 9 supervision fee upon being discharged from probation, or upon
 10 termination of the period of delayed sentence for a person subject
 11 to delayed sentence **including a person under supervision on the**
 12 **effective date of the amendatory act that amended this subsection,**
 13 the department shall ~~review and compare the actual income of the~~
 14 ~~person during the period of probation or delayed sentence with the~~
 15 ~~income amount projected when the supervision fee was ordered. If~~
 16 ~~the department determines that the person's actual income did not~~
 17 ~~equal or exceed the projected income, the department shall waive~~
 18 ~~any unpaid amount in excess of the total amount that the person~~
 19 ~~would have been ordered to pay if the person's income had been~~
 20 ~~accurately projected, unless the court order states that a higher~~
 21 ~~amount was ordered due to available assets or other financial~~
 22 ~~resources.~~ **waive any amount in excess of the aggregate sum of**
 23 **\$30.00 per month for each month the offender was supervised without**
 24 **an electronic monitoring device and \$60.00 per month for each month**
 25 **the offender was monitored with an electronic monitoring device.**
 26 Any unpaid amounts not waived by the department ~~shall must~~ be
 27 reported to the department of treasury. The department of treasury
 28 shall attempt to collect the unpaid balances pursuant to section
 29 30a of 1941 PA 122, MCL 205.30a. Money collected under this



1 subsection ~~shall~~**must** not be allocated for the purposes described
2 in subsection ~~(5)~~**(6)**.

3 (8) The department shall not collect any fees for offenders
4 supervised under this section for electronic monitoring other than
5 the fees required to be collected under subsection (3).

6 (9) As used in this section, "electronic monitoring device"
7 includes any electronic device or instrument that is used to track
8 the location of an individual, enforce a curfew, or detect the
9 presence of alcohol in an individual's body.

10 Sec. 36a. (1) ~~The~~**Except as provided in subsection (6), the**
11 parole board shall include in each order of parole that the
12 department ~~of corrections shall collect~~ a parole supervision fee of
13 ~~not more than \$135.00~~**\$30.00** multiplied by the number of months of
14 parole ordered, but not more than 60 months **if the individual is**
15 **placed on parole supervision without an electronic monitoring**
16 **device. If the individual is placed on parole supervision under**
17 **this subsection with an electronic monitoring device, the parole**
18 **board shall include in each order of parole that the department**
19 **shall collect a parole supervision fee of \$60.00 multiplied by the**
20 **number of months of parole ordered, but not more than 60 months.**
21 The fee is payable when the parole order is entered, but the fee
22 may be paid in monthly installments if the parole board approves
23 installment payments for that parolee. ~~In determining the amount of~~
24 ~~the fee, the parole board shall consider the parolee's projected~~
25 ~~income and financial resources. The parole board shall use the~~
26 ~~following table of projected monthly income in determining the~~
27 ~~amount of the fee to be ordered:~~

| | <u>Projected Monthly Income</u> | <u>Amount of Fee</u> |
|----|---------------------------------|----------------------|
| 28 | 29 \$ 0-249.99 | \$ 0.00 |



| | | |
|---|-------------------------------|--------------------------------------|
| 1 | \$ 250.00-499.99 | \$10.00 |
| 2 | \$ 500.00-749.99 | \$25.00 |
| 3 | \$ 750.00-999.99 | \$40.00 |
| 4 | \$1,000.00 or more | 5% of monthly income, but |
| 5 | | not more than \$135.00 |

6 ~~The parole board may order a higher amount than indicated by~~
7 ~~the table, up to the maximum of \$135.00 multiplied by the number of~~
8 ~~months of parole ordered but not more than 60 months, if the parole~~
9 ~~board determines that the parolee has sufficient assets or other~~
10 ~~financial resources to warrant the higher amount. If the parole~~
11 ~~board orders a higher amount, the amount and the reasons for~~
12 ~~ordering that amount shall be stated in the parole order.~~

13 (2) If a person who is subject to a supervision fee is also
14 subject to any combination of fines, costs, restitution,
15 assessments, or payments arising out of the same criminal
16 proceeding, the allocation of money collected for those obligations
17 ~~shall~~**must** be as provided in section 22 of chapter XV of the code
18 of criminal procedure, 1927 PA 175, MCL 775.22.

19 (3) A person ~~shall~~**must** not be subject to more than 1 parole
20 supervision fee at the same time. If a parole supervision fee is
21 ordered for a parolee for any month or months during which that
22 parolee already is subject to a parole supervision fee, the
23 department shall waive the fee having the shorter remaining
24 duration.

25 (4) The department shall waive the parole supervision fee for
26 a parolee who is transferred to another state under the interstate
27 compact entered into pursuant to 1935 PA 89, MCL 798.101 to
28 798.103, or the interstate compact entered into pursuant to **the**
29 **interstate compact for adult offender supervision**, 2002 PA 40, MCL



1 3.1011 to 3.1012, for the months during which he or she is in
 2 another state. The department shall collect a parole supervision
 3 fee of ~~not more than \$135.00~~ **\$30.00** per month for each month of
 4 parole supervision in this state for an offender transferred to
 5 this state under an interstate compact **if the offender is placed on**
 6 **parole supervision without an electronic monitoring device. If the**
 7 **offender is placed on parole supervision under this subsection with**
 8 **an electronic monitoring device, the department of corrections**
 9 **shall collect a parole supervision fee of \$60.00 per month for each**
 10 **month of parole supervision in this state.** ~~In determining the~~
 11 ~~amount of the fee, the department shall consider the parolee's~~
 12 ~~projected income and financial resources. The department shall use~~
 13 ~~the following table of projected monthly income in determining the~~
 14 ~~amount of the fee:~~

| <u>Projected Monthly Income</u> | <u>Amount of Fee</u> |
|---------------------------------|--|
| \$ 0-249.99 | \$ 0.00 |
| \$ 250.00-499.99 | \$ 10.00 |
| \$ 500.00-749.99 | \$ 25.00 |
| \$ 750.00-999.99 | \$ 40.00 |
| \$ 1,000.00 or more | 5% of monthly income, but not more than \$135.00 |

22 ~~The department may collect a higher amount than indicated by~~
 23 ~~the table, up to the maximum of \$135.00 for each month of parole~~
 24 ~~supervision in this state, if the department determines that the~~
 25 ~~parolee has sufficient assets or other financial resources to~~
 26 ~~warrant the higher amount. If the department collects a higher~~
 27 ~~amount, the amount and the reasons for collecting that amount shall~~
 28 ~~be stated in the department records.~~

29 (5) Twenty percent of the money collected by the department



1 under this section ~~shall~~**must** be allocated for administrative costs
 2 incurred by the department in collecting parole supervision fees
 3 and for enhanced services, as described in this subsection.
 4 Enhanced services include, but are not limited to, the purchase of
 5 services for parolees such as counseling, employment training,
 6 employment placement, or education; public transportation expenses
 7 related to training, counseling, or employment; enhancement of
 8 staff performance through specialized training and equipment
 9 purchase; and purchase of items for parolee employment. At the end
 10 of each fiscal year, the unexpended balance of the money allocated
 11 for administrative costs and enhanced services ~~shall~~**must** be
 12 available for carryforward to be used for the purposes described in
 13 this subsection in subsequent fiscal years.

14 **(6) The department shall waive the supervision fee under**
 15 **subsections (1) and (4) if the department determines that an**
 16 **offender is indigent.**

17 **(7) The department shall not collect any fees for offenders**
 18 **supervised under this section for electronic monitoring in excess**
 19 **of the fees required to be collected under subsections (1) and (4).**

20 **(8) ~~(6)~~—If a parolee has not paid the full amount of the**
 21 **parole supervision fee upon being discharged from parole **including****
 22 **a parolee being supervised on parole on the effective date of the**
 23 **amendatory act that amended this subsection, the department shall**
 24 ~~review and compare the actual income of the person during the~~
 25 ~~period of parole with the income amount projected when the parole~~
 26 ~~supervision fee was ordered. If the department determines that the~~
 27 ~~parolee's actual income did not equal or exceed the projected~~
 28 ~~income, the department shall waive any unpaid amount in excess of~~
 29 ~~the total amount that the parolee would have been ordered to pay if~~



1 ~~the parolee's income had been accurately projected, unless the~~
 2 ~~parole order states that a higher amount was ordered due to~~
 3 ~~available assets or other financial resources. **waive any amount in**~~
 4 ~~**excess of the aggregate sum of \$30.00 per month for each month a**~~
 5 ~~**parolee was supervised without an electronic monitoring device and**~~
 6 ~~**\$60.00 per month for each month the parolee was supervised with an**~~
 7 ~~**electronic monitoring device.**~~ Any unpaid amounts not waived by the
 8 department ~~shall~~**must** be reported to the department of treasury.
 9 The department of treasury shall attempt to collect the unpaid
 10 balances pursuant to section 30a of 1941 PA 122, MCL 205.30a. Money
 11 collected under this subsection ~~shall~~**must** not be allocated for the
 12 purposes described in subsection (5).

13 **(9) As used in this section, "electronic monitoring device"**
 14 **includes any electronic device or instrument that is used to track**
 15 **the location of an individual, enforce a curfew, or detect the**
 16 **presence of alcohol in an individual's body.**

17 Sec. 85. (1) The lifetime electronic monitoring program is
 18 established in the department. The lifetime electronic monitoring
 19 program ~~shall~~**must** implement a system of monitoring individuals
 20 released from parole, prison, or both parole and prison who are
 21 sentenced by the court to lifetime electronic monitoring. The
 22 lifetime electronic monitoring program ~~shall~~**must** accomplish all of
 23 the following:

24 (a) By electronic means, track the movement and location of
 25 each individual from the time the individual is released on parole
 26 or from prison until the time of the individual's death.

27 (b) Develop methods by which the individual's movement and
 28 location may be determined, both in real time and recorded time,
 29 and recorded information retrieved upon request by the court or a



1 law enforcement agency.

2 (2) An individual who is sentenced to lifetime electronic
3 monitoring shall wear or otherwise carry an electronic monitoring
4 device as determined by the department under the lifetime
5 electronic monitoring program in the manner prescribed by that
6 program and shall reimburse the department or its agent ~~for the~~
7 ~~actual cost of electronically monitoring the individual.~~ **as provided**
8 **under section 36a while the individual is still on parole, and at**
9 **the rate of \$60.00 per month after the individual is discharged**
10 **from parole but is still subject to electronic monitoring.**

11 (3) As used in this section, "electronic monitoring" means a
12 device by which, through global positioning system satellite or
13 other means, an individual's movement and location are tracked and
14 recorded.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect
18 unless House Bill No. 4031 of the 100th Legislature is enacted into
19 law.

