

SUBSTITUTE FOR  
HOUSE BILL NO. 5299

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 1 of chapter XI (MCL 771.1), as amended by 2019  
PA 165.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER XI

1  
2       Sec. 1. (1) In all prosecutions for felonies, misdemeanors, or  
3 ordinance violations other than murder, treason, criminal sexual  
4 conduct in the first or third degree, armed robbery, or ~~major~~  
5 ~~controlled substance offenses,~~ **violation of section 7401(2) (a) (i) to**  
6 **(iii) , 7401(2) (g) , or 7401(2) (h) (i) to (iii) of the public health code,**  
7 **1978 PA 368, MCL 333.7401,** if the defendant has been found guilty



1 upon verdict or plea and the court determines that the defendant is  
2 not likely again to engage in an offensive or criminal course of  
3 conduct and that the public good does not require that the  
4 defendant suffer the penalty imposed by law, the court may place  
5 the defendant on probation under the charge and supervision of a  
6 probation officer.

7 (2) In an action in which the court may place the defendant on  
8 probation, the court may delay sentencing the defendant for not  
9 more than 1 year to give the defendant an opportunity to prove to  
10 the court his or her eligibility for probation or other leniency  
11 compatible with the ends of justice and the defendant's  
12 rehabilitation, such as participation in a drug treatment court  
13 under chapter 10A of the revised judicature act of 1961, 1961 PA  
14 236, MCL 600.1060 to 600.1088. When sentencing is delayed, the  
15 court shall enter an order stating the reason for the delay upon  
16 the court's records. The delay in passing sentence does not deprive  
17 the court of jurisdiction to sentence the defendant at any time  
18 during the period of delay.

19 (3) Except as provided in subsection (5), if a defendant is  
20 before the circuit court and the court delays imposing sentence  
21 under subsection (2), the court shall include in the delayed  
22 sentence order that the department of corrections collect a  
23 supervision fee of \$30.00 multiplied by the number of months of  
24 delay ordered, but not more than 12 months, if the individual is  
25 placed on supervision without electronic monitoring. If the  
26 individual is placed on supervision with an electronic monitoring  
27 device under this subsection, the court shall include in the  
28 delayed sentence order that the department of corrections collect a  
29 supervision fee of \$60.00 multiplied by the number of months of



1 supervision ordered under the delay of sentence, but not more than  
2 12 months. The fee is payable when the delayed sentence order is  
3 entered, but the fee may be paid in monthly installments if the  
4 court approves installment payments for that defendant. The fee  
5 must be collected as provided in section 25a of the corrections  
6 code of 1953, 1953 PA 232, MCL 791.225a. A person must not be  
7 subject to more than 1 supervision fee at the same time. If a  
8 supervision fee is ordered for a person for any month or months  
9 during which that person already is subject to a supervision fee,  
10 the court shall waive the fee having the shorter remaining  
11 duration.

12 (4) This section does not apply to a juvenile placed on  
13 probation and committed under section 1(3) or (4) of chapter IX to  
14 an institution or agency described in the youth rehabilitation  
15 services act, 1974 PA 150, MCL 803.301 to 803.309.

16 (5) The court may waive the fee required to be collected under  
17 this section if the court determines the supervised individual is  
18 indigent.

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

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

25 Enacting section 2. This amendatory act does not take effect  
26 unless House Bill No. 5137 of the 100th Legislature is enacted into  
27 law.

