

HOUSE BILL No. 4508

March 22, 1989, Introduced by Reps. Stupak, Bartnik, Martin, DeMars, Gubow, Palamara, Wallace, Profit, Varga, Sofio, Niederstadt and Hart and referred to the Committee on Judiciary.

A bill to amend section 1 of chapter XI of Act No. 175 of the Public Acts of 1927, entitled as amended
"The code of criminal procedure,"
as amended by Act No. 90 of the Public Acts of 1988, being section 771.1 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of chapter XI of Act No. 175 of the
2 Public Acts of 1927, as amended by Act No. 90 of the Public Acts
3 of 1988, being section 771.1 of the Michigan Compiled Laws, is
4 amended to read as follows:

CHAPTER XI

5
6 Sec. 1. (1) In all prosecutions for felonies or misdemean-
7 ors, except murder, treason, criminal sexual conduct in the first
8 or third degree, robbery while armed, and major controlled
9 substance offenses not described in subsection (3), if the

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

8 (2) Except as provided in subsection (3), in an action in
9 which the court may place the defendant on probation, the court
10 may delay the imposing of sentence of the defendant for a period
11 of not to exceed 1 year for the purpose of giving the defendant
12 an opportunity to prove to the court his or her eligibility for
13 probation or other leniency compatible with the ends of justice
14 and the rehabilitation of the defendant. AS A CONDITION OF A
15 DELAYED SENTENCING, THE COURT MAY IMPOSE A TERM OF IMPRISONMENT
16 IN THE COUNTY JAIL OF NOT MORE THAN 30 DAYS. When the sentencing
17 is delayed, the court shall make an order stating the reason for
18 the delay AND ANY CONDITIONS IMPOSED DURING THE DELAYED
19 SENTENCING, which order shall be entered upon the records of the
20 court. The delay in passing sentence shall not deprive the court
21 of jurisdiction to sentence the defendant at any time during the
22 ~~extended~~ period OF DELAY.

23 (3) The sentencing judge may place a defendant on life pro-
24 bation pursuant to subsection (1) if the defendant is convicted
25 for a violation of section 7401(2)(a)(iv) or 7403(2)(a)(iv) of
26 the public health code, Act No. 368 of the Public Acts of 1978,
27 being sections 333.7401 ~~or~~ AND 333.7403 of the Michigan

1 Compiled Laws, or conspiracy to commit either of those 2
2 offenses. Subsection (2) does not apply to this subsection.

3 (4) ~~Beginning June 1, 1988, this~~ THIS section does not
4 apply to a juvenile placed on probation and committed under sec-
5 tion 1(3) or (4) of chapter IX to a state institution or agency
6 described in the youth rehabilitation services act, Act No. 150
7 of the Public Acts of 1974, being sections 803.301 to 803.309 of
8 the Michigan Compiled Laws.