

HOUSE BILL No. 5151

October 9, 1989, Introduced by Reps. Kilpatrick, DeMars, Profit, Murphy, Gubow, Wallace, Bartnik, Gire, Martin, Bender, Perry Bullard, Jaye, Emerson and Saunders and referred to the Committee on House Oversight.

A bill to amend section 13 of chapter II and section 11a of chapter IX of Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

being sections 762.13 and 769.11a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 13 of chapter II and section 11a of
2 chapter IX of Act No. 175 of the Public Acts of 1927, being sec-
3 tions 762.13 and 769.11a of the Michigan Compiled Laws, are
4 amended to read as follows:

5 CHAPTER II

6 Sec. 13. If a youth is assigned to the status of a youthful
7 trainee and the underlying charge is an offense punishable by
8 imprisonment in a state prison for a term of more than 1 year,
9 the court shall ~~(a)~~ commit the youth to the department of

1 corrections for custodial supervision and training for a period
2 not to exceed 3 years in an institutional facility designated by
3 the department for such purpose or ~~(b)~~ place the youth on pro-
4 bation for a period not to exceed 3 years. A youth placed on
5 probation shall be under the supervision of a probation officer
6 ~~or community assistance officer~~ appointed by the DIRECTOR OF
7 THE DEPARTMENT OF corrections. ~~commission.~~ Upon commitment to
8 and receipt by the department of corrections, a youthful trainee
9 shall be subject to the direction of the department of
10 corrections.

11 CHAPTER IX

12 Sec. 11a. Whenever any person has been heretofore or here-
13 after convicted of any crime within this state and has served any
14 time upon a void sentence, the trial court, in imposing sentence
15 upon conviction or acceptance of a plea of guilty based upon
16 facts arising out of the earlier void conviction, shall in impos-
17 ing the sentence specifically grant or allow the defendant credit
18 against and ~~by~~ reduction of the statutory maximum by the time
19 already served by ~~such~~ THE defendant on the sentence imposed
20 for the prior erroneous conviction. Failure of the DEPARTMENT OF
21 corrections ~~commission~~ to carry out the terms of ~~said~~ THE
22 sentence shall be cause for the issuance of a writ of habeas
23 corpus to have the prisoner brought before the court for the
24 taking of ~~such~~ ANY further action as the court may ~~again~~
25 determine.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 5150 (request
3 no. 03623'89) of the 85th Legislature is enacted into law.