

HOUSE BILL No. 5185

October 16, 1989, Introduced by Reps. Giese, Bender, Van Regenmorter, Hoffman, Law, Muxlow, Pridnia, Martin, DeMars, Nye, Power, Hertel, Allen, Hickner, Stacey, Van Singel, Niederstadt, Griffin, Hoekman, Wallace, Randall, Walberg, O'Connor, Maynard, Fitzgerald, Middaugh, Porreca, Gire, Jaye, Bartnik, Stopczynski, Ostling, Willis Bullard, Krause, DeLange and Webb and referred to the Committee on Corrections.

A bill to amend section 6 of Act No. 287 of the Public Acts of 1988, entitled "Special alternative incarceration act," being section 798.16 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 287 of the Public Acts of
2 1988, being section 798.16 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 6. (1) A probationer who fails to work diligently and
5 productively at the program of the unit, or who fails to obey the
6 rules of behavior established for the unit, may be reported to
7 the sentencing court for possible revocation of probation. and

8 (2) IF A PROBATIONER WHO IS INCARCERATED IN A UNIT ESCAPES
9 FROM THE UNIT OR LEAVES THE UNIT WITHOUT BEING RELEASED OR

1 DISCHARGED FROM THE UNIT BY DUE PROCESS OF LAW, BOTH OF THE
2 FOLLOWING SHALL APPLY:

3 (A) THE PROBATIONER MAY BE PROSECUTED FOR A VIOLATION OF
4 SECTION 193A OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE
5 PUBLIC ACTS OF 1931, BEING SECTION 750.193A OF THE MICHIGAN
6 COMPILED LAWS.

7 (B) WHETHER OR NOT THE PROBATIONER IS CHARGED OR CONVICTED
8 UNDER SECTION 193A OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, THE
9 PROBATIONER MAY BE REPORTED TO THE SENTENCING COURT FOR POSSIBLE
10 REVOCATION OF PROBATION.

11 (3) A PROBATIONER may be housed in a county jail while
12 awaiting a probation revocation determination.

13 Section 2. This amendatory act shall not take effect unless
14 Senate Bill No. _____ or House Bill No. _____ (request
15 no. 03130'89) of the 85th Legislature is enacted into law.