

HOUSE BILL No. 5856

June 5, 1990, Introduced by Reps. Bandstra, Nye, Martin, Walberg, Law, Sparks, Muxlow, Wartner, Ouwinga, Dolan, Kulchitsky, DeMars and Crandall and referred to the Committee on Judiciary.

A bill to amend chapter XI of Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

as amended, being sections 771.1 to 771.14a of the Michigan Compiled Laws, by adding section 3d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter XI of Act No. 175 of the Public Acts of
2 1927, as amended, being sections 771.1 to 771.14a of the Michigan
3 Compiled Laws, is amended by adding section 3d to read as
4 follows:

5 CHAPTER XI

6 SEC. 3D. (1) IN ADDITION TO ANY OTHER TERMS OR CONDITIONS
7 OF PROBATION PROVIDED FOR UNDER THIS CHAPTER, THE COURT MAY
8 REQUIRE UNDER A PROBATION ORDER THAT A PERSON CONVICTED OF ANY OF
9 THE FOLLOWING OFFENSES BE CONFINED IN A DRUNK DRIVER DETENTION

1 AND CORRECTION CENTER FOR A PERIOD NOT TO EXCEED THE TOTAL PERIOD
2 THE PERSON COULD BE IMPRISONED IN THE COUNTY JAIL FOR THE OFFENSE
3 AND THAT THE PERSON SATISFACTORILY COMPLETE A PROGRAM OF TREAT-
4 MENT PRESCRIBED FOR THE PERSON BY THE CENTER:

5 (A) A VIOLATION OF SECTION 625(1) OR (2) OR SECTION 625B OF
6 THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF
7 1949, BEING SECTIONS 257.625 AND 257.625B OF THE MICHIGAN
8 COMPILED LAWS, OR OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
9 ING TO SECTION 625(1) OR (2) OR SECTION 625B OF ACT NO. 300 OF
10 THE PUBLIC ACTS OF 1949.

11 (B) FELONIOUS DRIVING, NEGLIGENT HOMICIDE, OR MANSLAUGHTER,
12 IF THE OFFENSE RESULTED FROM THE OPERATION OF A MOTOR VEHICLE
13 WHILE THE PERSON WAS IMPAIRED BY OR UNDER THE INFLUENCE OF INTOX-
14 ICATING LIQUOR OR A CONTROLLED SUBSTANCE OR A COMBINATION OF
15 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, OR HAD A BLOOD
16 ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL.

17 (2) A PROBATION ORDER CONFINING A PERSON IN A CENTER MAY
18 PERMIT THE PERSON TO ATTEND A VOCATIONAL TRAINING PROGRAM, A HIGH
19 SCHOOL DEGREE PROGRAM, COLLEGE CLASSES, A COMMUNITY SERVICE
20 ASSIGNMENT, OR THE PERSON'S REGULAR EMPLOYMENT. HOWEVER, A
21 PERSON SHALL NOT BE PERMITTED TO TRAVEL MORE THAN 50 MILES FROM
22 THE CENTER. THE ORDER SHALL INDICATE THE PERSON'S SPECIFIC WORK
23 LOCATION OR OTHER DESTINATION AND THE HOURS DURING WHICH THE
24 PERSON IS PERMITTED TO BE AWAY FROM THE CENTER. THE ORDER SHALL
25 REQUIRE THE PERSON TO USE AND PAY FOR PUBLIC TRANSPORTATION TO
26 AND FROM THE CENTER AND ANY PROGRAM, CLASS, ASSIGNMENT, OR WORK
27 LOCATION OUTSIDE THE CENTER. THE ORDER SHALL NOT PERMIT THE

1 PERSON TO DRIVE OR RIDE IN A PRIVATELY OWNED MOTOR VEHICLE NOT
2 AVAILABLE FOR HIRE.

3 (3) THE WILLFUL FAILURE OF A PERSON ORDERED CONFINED IN A
4 CENTER TO REMAIN WITHIN THE LIMITS OF HIS OR HER CONFINEMENT, TO
5 RETURN TO THE CENTER WITHIN THE TIME PRESCRIBED, TO ATTEND AN
6 ASSIGNMENT OR TO COMPLY WITH ANY TERM OF THE PROBATION ORDER OR
7 RULE OF THE CENTER IS GROUNDS FOR REVOCATION OF PROBATION.

8 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
9 ORDERED CONFINED IN A CENTER UNDER THIS SECTION SHALL BE ORDERED
10 AS A CONDITION OF PROBATION TO PAY THE COSTS OF CONFINEMENT AND
11 TREATMENT AT THE CENTER, IN ADDITION TO ANY OTHER COSTS ORDERED
12 BY THE COURT. THE PROBATION ORDER SHALL DIRECT THE PERSON TO PAY
13 THE COSTS OF CONFINEMENT AND TREATMENT BY 1 OF THE FOLLOWING
14 METHODS:

15 (A) LUMP SUM PAYMENT.

16 (B) INSTALLMENTS OF SPECIFIED AMOUNTS TO BE PAID WITHIN A
17 SPECIFIED PERIOD.

18 (C) THROUGH THE PERFORMANCE OF COMMUNITY SERVICE WITHIN A
19 SPECIFIED TIME FRAME AND AT A SPECIFIED RATE UNTIL THE COSTS OF
20 CONFINEMENT AND TREATMENT HAVE BEEN RECOVERED, IF THE PERSON IS
21 OTHERWISE UNABLE TO PAY.

22 (5) IF A PERSON IS ORDERED TO PERFORM COMMUNITY SERVICE IN
23 ORDER TO PAY FOR THE COST OF CONFINEMENT AND TREATMENT AT A
24 CENTER, THE PUBLIC OR PRIVATE AGENCY THAT BENEFITS FROM THAT
25 SERVICE, UPON RECEIPT OF BILLINGS FROM THE CENTER, SHALL REMIT TO
26 THE CENTER AMOUNTS EQUAL TO THE VALUE OF THE SERVICES PERFORMED.

1 (6) THE COURT MAY REVOKE PROBATION IF THE PERSON DOES NOT
2 MAKE A GOOD FAITH EFFORT TO PAY THE COSTS OF CONFINEMENT AND
3 TREATMENT AT THE CENTER. IN DETERMINING WHETHER TO REVOKE PROBATION,
4 THE COURT SHALL CONSIDER THE PERSON'S EMPLOYMENT STATUS,
5 EARNING ABILITY, AND FINANCIAL RESOURCES, THE WILLFULNESS OF THE
6 PERSON'S FAILURE TO PAY, AND ANY OTHER SPECIAL CIRCUMSTANCES THAT
7 MAY HAVE A BEARING ON THE PERSON'S ABILITY TO PAY.

8 (7) THE SENTENCING COURT SHALL ACCEPT AND PROMPTLY REVIEW
9 THE TREATMENT PLAN AND ALL WRITTEN EVALUATIONS PROVIDED TO THE
10 COURT WITH RESPECT TO THE BEHAVIOR AND PROGRESS OF A PERSON CONFINED
11 BY THE COURT IN A CENTER. AN UNSATISFACTORY EVALUATION
12 SHALL BE GROUNDS FOR REVOCATION OF PROBATION. AT ANY TIME DURING
13 A PERSON'S CONFINEMENT AT A CENTER, THE CENTER MAY CERTIFY THAT
14 THE PERSON HAS SATISFACTORILY COMPLETED THE PROGRAM OF TREATMENT
15 PRESCRIBED FOR THE PERSON BY THE CENTER. UPON RECEIPT OF THIS
16 CERTIFICATION, THE COURT MAY ORDER THE PERSON RELEASED FROM THE
17 CENTER.

18 (8) MONEY COLLECTED AS COSTS OF CONFINEMENT AND TREATMENT AT
19 A CENTER SHALL BE DEPOSITED IN THE STATE TREASURY TO THE CREDIT
20 OF THE DRUNK DRIVER DETENTION AND CORRECTION CENTER FUND.

21 (9) A PERSON MAY BE ORDERED CONFINED IN A CENTER NOT MORE
22 THAN TWICE DURING THE PERSON'S LIFETIME.

23 (10) AS USED IN THIS SECTION, "DRUNK DRIVER DETENTION AND
24 CORRECTION CENTER" OR "CENTER" MEANS THAT TERM AS DEFINED IN
25 SECTION 2 OF THE DRUNK DRIVER DETENTION AND CORRECTION CENTER
26 ACT.

1 Section 2. This amendatory act shall take effect January 1,
2 1991.

3 Section 3. This amendatory act shall not take effect unless
4 all of the following bills of the 85th Legislature are enacted
5 into law:

6 (a) Senate Bill No. _____ or House Bill No. 5854 (request
7 no. 01762'89).

8 (b) Senate Bill No. _____ or House Bill No. 5855 (request
9 no. 01762'89 a).

10 (c) Senate Bill No. _____ or House Bill No. 5857 (request
11 no. 01762'89 c).

12 (d) Senate Bill No. _____ or House Bill No. 5858 (request
13 no. 01762'89 d).