

# Legislative Analysis



## DELAYED SENTENCE FOR ORDINANCE VIOLATION

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**Senate Bill 1032 (Substitute H-1)**

**Sponsor: Sen. Alan Sanborn**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Complete to 11-30-06**

## A SUMMARY OF SENATE BILL 1032 AS REPORTED BY COMMITTEE 11-29-06

In general, a court can place on probation a defendant who has been found guilty of a felony or misdemeanor (whether by plea or upon verdict), although probation is not allowed for murder, treason, armed robbery, or major controlled substance offenses. Current law also allows that in any action in which the court places a defendant on probation, the court may also delay sentencing the defendant for up to one year to give the defendant the opportunity to prove to the court that he or she is eligible for probation or other lenient treatment. Senate Bill 1032 would amend the Code of Criminal Procedure (MCL 771.1) to also allow a court to place a defendant on probation for an **ordinance violation**. Thus, the court could also delay sentencing for that defendant.

### FISCAL IMPACT:

The bill's fiscal impact would depend on how it affected sentencing for ordinance violations. There are no data to indicate how many offenders are convicted of ordinance violations, or how the bill might affect their sentencing. If more ordinance violators were sentenced to probation instead of jail under the bill, local governments could experience decreased costs of incarceration and increased costs of probation supervision, both of which vary with jurisdiction.

### BACKGROUND INFORMATION:

The procedures for courts to adjudicate misdemeanors and violations of local ordinances are very similar, and many local ordinances are substantially similar to state laws. Therefore, even though current statute does not specifically grant courts the authority to place a person found guilty of an ordinance violation on probation, or to grant a delayed sentence, it has been done for years. Acknowledging that there appears to be no policy reason for not allowing ordinance violations to be treated in the same manner as misdemeanors, some propose amending the law to codify current judicial practice.

### POSITIONS:

The State Court Administration Office (SCAO) supports the bill. (11-29-06)

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