



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1032 (as introduced 2-7-06)
Sponsor: Senator Alan Sanborn
Committee: Judiciary

Date Completed: 5-1-06

CONTENT

The bill would amend the Code of Criminal Procedure to allow a sentence of probation and a delayed sentence for ordinance violations.

Under the Code, in all prosecutions for misdemeanors or felonies (with some exceptions), the court may place a defendant who has been found or pleaded guilty on probation if "the court determines that the defendant is not likely again to engage in an offensive or criminal course of conduct and that the public good does not require that the defendant suffer the penalty imposed by law".

In an action in which the court may place a defendant on probation, it also may delay sentencing him or her for up to one year "to give the defendant an opportunity to prove to the court his or her eligibility for probation or other leniency compatible with the ends of justice and the defendant's rehabilitation, such as participation in a drug treatment court". When sentencing is delayed, the court must enter an order stating the reason for the delay, and the court has jurisdiction to sentence the defendant at any time during the period of delay.

The bill specifies that "misdemeanors" would include ordinance violations.

MCL 771.1

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders are convicted of ordinance violations. To the extent that offenders convicted of ordinance violations would be sentenced to probation instead of incarceration under the bill, local governments would incur decreased costs of incarceration in local facilities, and increased costs of misdemeanor probation, both of which vary by county.

Fiscal Analyst: Lindsay Hollander
Stephanie Yu

S0506\1032sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.