

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1032

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1 of chapter XI (MCL 771.1), as amended by
2004 PA 219.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XI

2

Sec. 1. (1) In all prosecutions for felonies, ~~or~~

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misdemeanors, **OR ORDINANCE VIOLATIONS** other than murder, treason,

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criminal sexual conduct in the first or third degree, armed

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robbery, or major controlled substance offenses, if the defendant

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has been found guilty upon verdict or plea and the court

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determines that the defendant is not likely again to engage in an

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offensive or criminal course of conduct and that the public good

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does not require that the defendant suffer the penalty imposed by

1 law, the court may place the defendant on probation under the
2 charge and supervision of a probation officer.

3 (2) In an action in which the court may place the defendant
4 on probation, the court may delay sentencing the defendant for
5 not more than 1 year to give the defendant an opportunity to
6 prove to the court his or her eligibility for probation or other
7 leniency compatible with the ends of justice and the defendant's
8 rehabilitation, such as participation in a drug treatment court
9 under chapter 10A of the revised judicature act of 1961, 1961 PA
10 236, MCL 600.1060 to 600.1082. When sentencing is delayed, the
11 court shall enter an order stating the reason for the delay upon
12 the court's records. The delay in passing sentence does not
13 deprive the court of jurisdiction to sentence the defendant at
14 any time during the period of delay.

15 (3) If a defendant is before the circuit court and the court
16 delays imposing sentence under subsection (2), the court shall
17 include in the delayed sentence order that the department of
18 corrections shall collect a supervision fee of not more than
19 \$135.00 multiplied by the number of months of delay ordered, but
20 not more than 12 months. The fee is payable when the delayed
21 sentence order is entered, but the fee may be paid in monthly
22 installments if the court approves installment payments for that
23 defendant. In determining the amount of the fee, the court shall
24 consider the defendant's projected income and financial
25 resources. The court shall use the following table of projected
26 monthly income in determining the amount of the fee to be
27 ordered:

	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
1		
2	\$ 0-249.99	\$ 0.00
3	\$ 250.00-499.99	\$ 10.00
4	\$ 500.00-749.99	\$ 25.00
5	\$ 750.00-999.99	\$ 40.00
6	\$ 1,000.00 or more	5% of projected monthly
7		income, but not more than
8		\$135.00

9 The court may order a higher amount than indicated by the
10 table, up to the maximum of \$135.00 multiplied by the number of
11 months of delay ordered but not more than 12 months, if the court
12 determines that the defendant has sufficient assets or other
13 financial resources to warrant the higher amount. If the court
14 orders a higher amount, the amount and the reasons for ordering
15 that amount shall be stated in the court order. The fee shall be
16 collected as provided in section 25a of the corrections code of
17 1953, 1953 PA 232, MCL 791.225a. A person shall not be subject to
18 more than 1 supervision fee at the same time. If a supervision
19 fee is ordered for a person for any month or months during which
20 that person already is subject to a supervision fee, the court
21 shall waive the fee having the shorter remaining duration.

22 (4) This section does not apply to a juvenile placed on
23 probation and committed under section 1(3) or (4) of chapter IX
24 to an institution or agency described in the youth rehabilitation
25 services act, 1974 PA 150, MCL 803.301 to 803.309.