

1 offense that is not a felony, the probation period ~~shall~~**must** not
2 exceed 2 years. Except as provided in section 2a of this chapter
3 and section 36 of chapter VIII, if the defendant is convicted of a
4 felony, the probation period ~~shall~~**must** not exceed 5 years.

5 (2) Except as provided in subsection ~~(4)~~, **(6)**, section 2a of
6 this chapter, and section 36 of chapter VIII, after the defendant
7 has completed 1/2 of the original felony probation period of his or
8 her felony probation, the department or probation department may
9 notify the sentencing court. If, after a hearing to review the case
10 and the defendant's conduct while on probation, the court
11 determines that the defendant's behavior warrants a reduction in
12 the probationary term, the court may reduce that term by 100% or
13 less. The victim must be notified of the date and time of the
14 hearing and be given an opportunity to be heard. The court shall
15 consider the impact on the victim and repayment of outstanding
16 restitution caused by reducing the defendant's probationary term.
17 Not less than 28 days before reducing or terminating a period of
18 probation or conducting a review under this section, the court
19 shall notify the prosecuting attorney, the defendant, or, if the
20 defendant has an attorney, the defendant's attorney. However, this
21 subsection does not apply to a defendant who is subject to a
22 mandatory probation term.

23 (3) **Except as provided in subsection (6), section 2a of this**
24 **chapter, and section 36 of chapter VIII, and subject to subsection**
25 **(4), the court shall reduce a sentence of probation by 90 days for**
26 **every 6 months that a qualified probationer complies with the**
27 **requirements of the medication-assisted program for the treatment**
28 **of an alcohol use disorder or opioid use disorder approved by the**
29 **department of corrections. However, this subsection does not apply**

1 to a qualified probationer who is subject to a mandatory probation
2 term.

3 (4) The reduction in the term of probation required under
4 subsection (3) does not apply to a qualified probationer who
5 commits either of the following during his or her term of probation
6 regardless of his or her compliance with a medication-assisted
7 program for the treatment of an alcohol use disorder or opioid use
8 disorder:

9 (a) An act that directly threatens, endangers, or injures
10 another person.

11 (b) A violation of a law of this state, a political
12 subdivision of this state, another state, or the United States or
13 of tribal law, that is not a law related to the use or possession
14 of a controlled substance, unless the court determines the primary
15 cause of the violation was the probationer's identified substance
16 use disorder and another person was not threatened, endangered, or
17 injured by the conduct giving rise to the violation.

18 (5) ~~(3)~~The department of corrections shall report, no later
19 than December 31 of each year after the effective date of the
20 amendatory act that added this subsection, to the committees of the
21 senate and house of representatives concerning the judiciary or
22 criminal justice the number of defendants referred to the court for
23 a hearing under subsection (2). The state court administrative
24 office shall report, no later than December 31 of each year after
25 ~~the effective date of the amendatory act that added this~~
26 ~~subsection,~~ **June 29, 2017**, to the committees of the senate and
27 house of representatives concerning the judiciary the number of
28 probationers who were released early from probation under
29 subsection (2).

1 (6) ~~(4)~~—A defendant who was convicted of 1 or more of the
2 following crimes is not eligible for reduced probation under
3 subsection (2) **or (3)** :

4 (a) A violation of section 81(5) of the Michigan penal code,
5 1931 PA 328, MCL 750.81.

6 (b) A violation of section 84 of the Michigan penal code, 1931
7 PA 328, MCL 750.84.

8 (c) A violation of section 520c of the Michigan penal code,
9 1931 PA 328, MCL 750.520c.

10 (d) A violation of section 520e of the Michigan penal code,
11 1931 PA 328, MCL 750.520e.

12 (7) ~~(5)~~—The court shall, by order to be entered in the case as
13 the court directs by general rule or in each case, fix and
14 determine the period and conditions of probation. The order is part
15 of the record in the case. **The order shall include a designation**
16 **that the probationer is a qualified probationer, if applicable.** The
17 court may amend the order in form or substance at any time. If the
18 court reduces a defendant's probationary term under subsection (2)
19 **or (3)**, the period by which that term was reduced must be reported
20 to the department of corrections.

21 (8) ~~(6)~~—A defendant who was placed on probation under section
22 1(4) of this chapter as it existed before March 1, 2003 for an
23 offense committed before March 1, 2003 is subject to the conditions
24 of probation specified in section 3 of this chapter, including
25 payment of a probation supervision fee as prescribed in section 3c
26 of this chapter, and to revocation for violation of these
27 conditions, but the probation period must not be reduced other than
28 by a revocation that results in imprisonment or as otherwise
29 provided by law.

1 **(9)** ~~(7)~~—If an individual is placed on probation for a listed
2 offense as that term is defined in section 2 of the sex offenders
3 registration act, 1994 PA 295, MCL 28.722, the individual's
4 probation officer shall register the individual or accept the
5 individual's registration as provided in that act.

6 **(10)** ~~(8)~~—Subsection (1) does not apply to a juvenile placed on
7 probation and committed under section 1(3) or (4) of chapter IX to
8 an institution or agency described in the youth rehabilitation
9 services act, 1974 PA 150, MCL 803.301 to 803.309.

10 **(11) As used in this section:**

11 **(a) "Nonviolent offense" means a crime that does not involve**
12 **the use of any force against or injury to another person.**

13 **(b) "Qualified probationer" means an individual serving 1 or**
14 **more probation terms for a controlled substance violation or**
15 **another nonviolent offense that the court record indicates was**
16 **primarily the result of controlled substance or alcohol use.**