CORRECTIONS CODE OF 1953 (EXCERPT)

Act 232 of 1953

Chapter II
BUREAU OF PROBATION.

791.221 Bureau of probation; creation; supervision.

Sec. 21.

There is hereby established within the department a bureau of probation. This bureau shall be under the direction and supervision of the assistant director in charge of probation.

History: 1953, Act 232, Eff. Oct. 2, 1953
Popular Name: Department of Corrections Act

791.222 Probation officers; appointment, supervision, and removal; grounds for removal of probation employee; receipt of compensation, gift, or gratuity as misdemeanor; powers and duties of commission.

Sec. 22.

(1) The commission shall appoint, supervise, and remove probation officers for the circuit court and recorder's court of this state, in the manner provided by the laws of this state.

(2) The commission may remove a probation employee for incompetency, misconduct, or failure to carry out the orders of the department, or for neglect of duty.

(3) A probation employee who receives compensation from public funds under this act, and receives any compensation, gift, or gratuity from a person under probation or from a person, partnership, association, or corporation for doing or refraining from doing an official act connected with his or her work as a probation employee, or connected with a proceeding pending or about to be instituted in the circuit court or recorder's court is guilty of a misdemeanor.

(4) The commission shall be vested with the powers and duties prescribed by the law with respect to probation recovery camps.

History: 1953, Act 232, Eff. Oct. 2, 1953 ;-- Am. 1979, Act 89, Eff. Apr. 1, 1980
Compiler's Notes: Sections 2, 3, and 4 of Act 210 of 1979 provide:"P.A. 1979, No. 89, section 4, amended; effective date."Section 2. The enacting section of Act No. 89 of the Public Acts of 1979, is amended to read as follows:"Section 4. This amendatory act shall take effect April 1, 1980."Effective date of P.A. 1979, Nos. 81 and 89, in certain counties; funds for probation services."Section 3. The provisions of Act Nos. 81 and 89 of the Public Acts of 1979 shall not take effect in a county with a population of 1.5 million or more prior to a majority vote of the elected members of the county's board of commissioners to place the question of the creation of a charter commission under the terms of enacted Senate Bill No. 652 before the county electorate. Subsequent to the above action by the board of commissioners, funds appropriated for probation services for a county with a population of 1.5 million or more shall become immediately effective, and shall be retroactive to the extent of the funds provided."Implementation of P.A. 1979, Nos. 81 and 89; effect of refusal to provide probation support costs."Section 4. Implementation of Act Nos. 81 and 89 of the Public Acts of 1979 shall not be effective in counties which refuse to provide probation support costs as required in those acts."
Popular Name: Department of Corrections Act

791.223 Assistant director as administrative head; powers and duties; forms for reports by probation officers.

Sec. 23.

The assistant director in charge of probation shall be the administrative head of the bureau of probation subject to the authority and supervision of the director of the department of corrections, and the commission. The assistant director shall exercise general supervision over the administration of probation in the circuit court and recorder's court of the state. The assistant director, with the approval of the director, shall appoint personnel other than probation officers necessary for the conduct of the bureau. The assistant director shall endeavor to secure the effective application of the probation system in all courts of the state and the enforcement of probation laws. The assistant director shall supervise the work of probation personnel and shall have access to all probation offices and records. The assistant director shall prescribe the form of records to be kept and reports to be made by probation personnel and shall promulgate general rules which shall regulate the procedure for the administration of probation, including investigation, supervision, case work, record keeping, and accounting. The assistant director shall collect and maintain a complete file of presentence investigations made by probation officers throughout the state. The assistant director shall collect, compile, and publish statistical and other information relating to probation work in all courts and other information of value in probation service. All probation officers shall submit the required reports to the department of corrections on forms to be prescribed and furnished by the department of corrections.

History: 1953, Act 232, Eff. Oct. 2, 1953 ;-- Am. 1979, Act 89, Eff. Apr. 1, 1980
Compiler's Notes: Sections 2, 3, and 4 of Act 210 of 1979 provide:“P.A. 1979, No. 89, section 4, amended; effective date.“Section 2. The enacting section of Act No. 89 of the Public Acts of 1979, is amended to read as follows:“Section 4. This amendatory act shall take effect April 1, 1980.“Effective date of P.A. 1979, Nos. 81 and 89, in certain counties; funds for probation services.“Section 3. The provisions of Act Nos. 81 and 89 of the Public Acts of 1979 shall not take effect in a county with a population of 1.5 million or more prior to a majority vote of the elected members of the county's board of commissioners to place the question of the creation of a charter commission under the terms of enacted Senate Bill No. 652 before the county electorate. Subsequent to the above action by the board of commissioners, funds appropriated for probation services for a county with a population of 1.5 million or more shall become immediately effective, and shall be retroactive to the extent of the funds provided.“Implementation of P.A. 1979, Nos. 81 and 89; effect of refusal to provide probation support costs.“Section 4. Implementation of Act Nos. 81 and 89 of the Public Acts of 1979 shall not be effective in counties which refuse to provide probation support costs as required in those acts.”
Popular Name: Department of Corrections Act
Admin Rule: R 791.1101 et seq. of the Michigan Administrative Code.

791.223a Probation personnel as members of state classified civil service; compensation of county probation employees; plan; rents, contractual services, supplies, materials, and equipment.

Sec. 23a.

(1) Effective April 1, 1980, all probation personnel in the circuit court of this state and recorder's court of the city of Detroit shall be considered state employees for purposes of supervision and direction. County probation personnel may transfer their employment from a county probation department to state classified civil service pursuant to procedures established

by the civil service commission. County probation personnel who wish to remain county employees may elect to do so pursuant to this section. Not later than 6 years after the effective date of this section, all probation employees shall be members of the state classified civil service.

(2) Effective April 1, 1980, all new employees hired as probation personnel shall be members of the state classified civil service.

(3) If a county probation employee remains an employee of the county, the county shall receive an amount from the state equal to the base state civil service salary or county salary, whichever is the lesser. Funds provided by the state pursuant to this section shall be used exclusively for the purpose of compensating county probation employees. The county shall provide for all salary in excess of the state base salary, travel, fringe benefits, and retirement for personnel choosing to remain as county employees.

(4) The civil service commission, in consultation with the department of corrections and affected counties, shall develop a plan effective April 1, 1980, which shall include provisions relating to the transfer of seniority rights, longevity, and accumulated annual and sick leave of county probation office personnel electing to join the state classified civil service. The plan shall specify procedures for the supervision, direction, and disciplinary removal of county probation personnel. If applicable, Act No. 88 of the Public Acts of 1961, as amended, being sections 38.1101 to 38.1105 of the Michigan Compiled Laws, shall apply.

(5) All rents, contractual services, supplies, materials, and equipment which are a county responsibility on the effective date of this section, shall continue to be a county responsibility.

History: Add. 1979, Act 89, Eff. Apr. 1, 1980 ;-- Am. 1979, Act 210, Imd. Eff. Jan. 10, 1980
Compiler's Notes: Sections 2, 3, and 4 of Act 210 of 1979 provide:"P.A. 1979, No. 89, section 4, amended; effective date."Section 2. The enacting section of Act No. 89 of the Public Acts of 1979, is amended to read as follows:"Section 4. This amendatory act shall take effect April 1, 1980."Effective date of P.A. 1979, Nos. 81 and 89, in certain counties; funds for probation services."Section 3. The provisions of Act Nos. 81 and 89 of the Public Acts of 1979 shall not take effect in a county with a population of 1.5 million or more prior to a majority vote of the elected members of the county's board of commissioners to place the question of the creation of a charter commission under the terms of enacted Senate Bill No. 652 before the county electorate. Subsequent to the above action by the board of commissioners, funds appropriated for probation services for a county with a population of 1.5 million or more shall become immediately effective, and shall be retroactive to the extent of the funds provided."Implementation of P.A. 1979, Nos. 81 and 89; effect of refusal to provide probation support costs."Section 4. Implementation of Act Nos. 81 and 89 of the Public Acts of 1979 shall not be effective in counties which refuse to provide probation support costs as required in those acts."
Popular Name: Department of Corrections Act

791.224 Repealed. 1979, Act 89, Eff. Apr. 1, 1980.

Compiler's Notes: The repealed section pertained to division of state into geographical districts and to duties of probation officers.
Popular Name: Department of Corrections Act

791.225 Probation service; compensation of probation officers; service grants.

Sec. 25.

Where the courts of more than 1 county are served by the same probation officer or officers, the compensation of such officer or officers and the expenses of administering probation service within such counties shall be met jointly by the boards of supervisors

therein: Provided, That when it shall appear to the commission that any county is unable to adequately maintain its probation program according to the standards set by the state bureau of probation, then service grants to such an extent and under such conditions as the commission may determine, may be made available to said county: Provided, That uniform rules to be followed in making available such service grants first shall be promulgated by the commission.

History: 1953, Act 232, Eff. Oct. 2, 1953
Popular Name: Department of Corrections Act

791.225a Supervision fees; collection; records; payment; waiver; allocation of money collected for other obligations; administrative costs; enhanced services; unpaid amounts; "electronic monitoring device" defined.

Sec. 25a.

(1) The department shall collect supervision fees ordered under section 13 of chapter II or section 1 or 3c of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 762.13, 771.1, and 771.3c. The department shall maintain records of supervision fees ordered by the court, including records of payment by persons subject to supervision fees and any amounts of supervision fees past due and owing.

(2) A supervision fee is payable when the order of delayed sentence or order of probation is entered, unless the court allows a person who is subject to a supervision fee to pay the fee in monthly installments.

(3) The department shall waive any applicable supervision fee for a person who is transferred to another state under the interstate compact entered into pursuant to 1935 PA 89, MCL 798.101 to 798.103, or the interstate compact entered into pursuant to the interstate compact for adult offender supervision, 2002 PA 40, MCL 3.1011 to 3.1012, for the months during which he or she is in another state. Except as provided in subsection (4), the department shall collect a supervision fee of $30.00 per month for each month of supervision in this state for an offender transferred to this state under an interstate compact who is being supervised without an electronic monitoring device. If the offender is being supervised under this subsection with an electronic monitoring device, the department shall collect a supervision fee of $60.00 per month.

(4) The department shall waive any applicable supervision fee for a person who is transferred to another state under the interstate compact entered into pursuant to 1935 PA 89, MCL 798.101 to 798.103, or the interstate compact entered into pursuant to the interstate compact for adult offender supervision, 2002 PA 40, MCL 3.1011 to 3.1012, if the department determines that the offender is indigent.

(5) If a person who is subject to a supervision fee is also subject to any combination of fines, costs, restitution orders, assessments, or payments arising out of the same criminal proceeding, the allocation of money collected for those obligations must be as otherwise provided in the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(6) Twenty percent of the money collected by the department under this section must be allocated for administrative costs incurred by the department in collecting supervision fees and for enhanced services, as described in this subsection. Enhanced services include, but are not limited to, the purchase of services for offenders such as counseling, employment training, employment placement, or education; public transportation expenses related to training, counseling, or employment; enhancement of staff performance through specialized training and equipment purchase; and purchase of items for offender employment. The department

shall develop priorities for expending the money for enhanced services in consultation with circuit judges in this state. At the end of each fiscal year, the unexpended balance of the money allocated for administrative costs and enhanced services must be available for carryforward to be used for the purposes described in this subsection in subsequent fiscal years.

(7) If a person has not paid the full amount of a supervision fee upon being discharged from probation, or upon termination of the period of delayed sentence for a person subject to delayed sentence including a person under supervision on the effective date of the amendatory act that amended this subsection, the department shall waive any amount in excess of the aggregate sum of $30.00 per month for each month the offender was supervised without an electronic monitoring device and $60.00 per month for each month the offender was monitored with an electronic monitoring device. Any unpaid amounts not waived by the department must be reported to the department of treasury. The department of treasury shall attempt to collect the unpaid balances pursuant to section 30a of 1941 PA 122, MCL 205.30a. Money collected under this subsection must not be allocated for the purposes described in subsection (6).

(8) The department shall not collect any fees for offenders supervised under this section for electronic monitoring other than the fees required to be collected under subsection (3).

(9) As used in this section, "electronic monitoring device" includes any electronic device or instrument that is used to track the location of an individual, enforce a curfew, or detect the presence of alcohol in an individual's body.

History: Add. 1993, Act 184, Imd. Eff. Sept. 30, 1993 ;-- Am. 2002, Act 502, Imd. Eff. July 16, 2002 ;-- Am. 2019, Act 164, Eff. Mar. 19, 2020
Popular Name: Department of Corrections Act

791.226 Repealed. 1972, Act 179, Imd. Eff. June 16, 1972.

Compiler's Notes: The repealed section excepted certain probation departments from the provisions of this chapter.
Popular Name: Department of Corrections Act

791.227 Repealed. 1979, Act 89, Eff. Apr. 1, 1980.

Compiler's Notes: The repealed section declared act inapplicable to juvenile probation.
Popular Name: Department of Corrections Act

791.228 Information on juvenile probationers; assistance; free access to books, records, files, and documents.

Sec. 28.

(1) The department of social services and the probate court of this state shall furnish to the department information, on request, concerning any individual having a previous record as a juvenile probationer who comes within the jurisdiction of the department.

(2) A department, board, commission, official, or employee of this state or a political subdivision of this state, shall give and furnish to the assistant director or to his or her agent, any assistance requested by the assistant director or his or her agent in the performance of their

duties. Free access shall be given to any books, records, files, and documents in the custody of the department, board, commission, official, or employee, relating to matters within the scope of the powers and duties of the assistant director, except those expressly prohibited by law or court rule.

History: 1953, Act 232, Eff. Oct. 2, 1953 ;-- Am. 1979, Act 89, Eff. Apr. 1, 1980
Compiler's Notes: Sections 2, 3, and 4 of Act 210 of 1979 provide:“P.A. 1979, No. 89, section 4, amended; effective date.“Section 2. The enacting section of Act No. 89 of the Public Acts of 1979, is amended to read as follows:“Section 4. This amendatory act shall take effect April 1, 1980.“Effective date of P.A. 1979, Nos. 81 and 89, in certain counties; funds for probation services.“Section 3. The provisions of Act Nos. 81 and 89 of the Public Acts of 1979 shall not take effect in a county with a population of 1.5 million or more prior to a majority vote of the elected members of the county's board of commissioners to place the question of the creation of a charter commission under the terms of enacted Senate Bill No. 652 before the county electorate. Subsequent to the above action by the board of commissioners, funds appropriated for probation services for a county with a population of 1.5 million or more shall become immediately effective, and shall be retroactive to the extent of the funds provided.“Implementation of P.A. 1979, Nos. 81 and 89; effect of refusal to provide probation support costs.“Section 4. Implementation of Act Nos. 81 and 89 of the Public Acts of 1979 shall not be effective in counties which refuse to provide probation support costs as required in those acts.”
Popular Name: Department of Corrections Act

791.229 Privileged or confidential communications; access to records, reports, and case histories; confidential relationship inviolate.

Sec. 29.

Except as otherwise provided by law, all records and reports of investigations made by a probation officer, and all case histories of probationers shall be privileged or confidential communications not open to public inspection. Judges and probation officers shall have access to the records, reports, and case histories. The probation officer, the assistant director of probation, or the assistant director's representative shall permit the attorney general, the auditor general, and law enforcement agencies to have access to the records, reports, and case histories and shall permit designated representatives of a private contractor that operates a facility or institution that houses prisoners under the jurisdiction of the department to have access to the records, reports, and case histories pertaining to prisoners assigned to that facility. The relation of confidence between the probation officer and probationer or defendant under investigation shall remain inviolate.

History: 1953, Act 232, Eff. Oct. 2, 1953 ;-- Am. 1979, Act 89, Eff. Apr. 1, 1980 ;-- Am. 1998, Act 512, Imd. Eff. Jan. 8, 1999 ;-- Am. 2010, Act 248, Imd. Eff. Dec. 14, 2010 ;-- Am. 2012, Act 599, Eff. Mar. 28, 2013
Compiler's Notes: Sections 2, 3, and 4 of Act 210 of 1979 provide:"P.A. 1979, No. 89, section 4, amended; effective date."Section 2. The enacting section of Act No. 89 of the Public Acts of 1979, is amended to read as follows: "Section 4. This amendatory act shall take effect April 1, 1980."Effective date of P.A. 1979, Nos. 81 and 89, in certain counties; funds for probation services. "Section 3. The provisions of Act Nos. 81 and 89 of the Public Acts of 1979 shall not take effect in a county with a population of 1.5 million or more prior to a majority vote of the elected members of the county's board of commissioners to place the question of the creation of a charter commission under the terms of enacted Senate Bill No. 652 before the county electorate. Subsequent to the above action by the board of commissioners, funds appropriated for probation services for a county with a population of 1.5 million or more shall become immediately effective, and shall be retroactive to the extent of the funds provided."Implementation of P.A. 1979, Nos. 81 and 89; effect of refusal to provide probation support costs."Section 4. Implementation of Act Nos. 81 and 89 of the Public Acts of 1979 shall not be effective in counties which refuse to provide

probation support costs as required in those acts."
Popular Name: Department of Corrections Act

791.230 Repealed. 1994, Act 131, Imd. Eff. May 19, 1994.

Compiler's Notes: The repealed section pertained to exemption from disclosure of certain records requested by prisoners.
Popular Name: Department of Corrections Act

791.230a Exemptions from disclosure under freedom of information act.

Sec. 30a.

The home addresses, telephone numbers, and personnel records of employees of the department, employees of the center for forensic psychiatry, and employees of a psychiatric hospital that houses prisoners are exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1994, Act 433, Imd. Eff. Jan. 6, 1995
Popular Name: Department of Corrections Act