

HOUSE BILL No. 5458

January 29, 1992, Introduced by Reps. Hoffman, Nye, Bartnik and Griffin and referred to the Committee on Judiciary.

A bill to amend section 2 of chapter XI of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," as amended by Act No. 78 of the Public Acts of 1988, being section 771.2 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of chapter XI of Act No. 175 of the
2 Public Acts of 1927, as amended by Act No. 78 of the Public Acts
3 of 1988, being section 771.2 of the Michigan Compiled Laws, is
4 amended to read as follows:

CHAPTER XI

5
6 Sec. 2. (1) If the defendant is convicted for an offense
7 ~~which~~ THAT is not a felony, the period of probation shall not
8 exceed 2 years. If the defendant is convicted of a felony

1 ~~which~~ THAT is not a major controlled substance offense, the
2 period of probation shall not exceed ~~5~~ 10 years.

3 (2) The court shall by order, to be filed or entered in the
4 cause as the court may direct by general rule or in each case,
5 fix and determine the period and conditions of probation. The
6 order, whether it is filed or entered, ~~shall be considered as~~
7 IS part of the record in the cause and ~~shall be~~ IS at all times
8 alterable and amendable, both in form and in substance, in the
9 court's discretion.

10 (3) A defendant who is placed on probation pursuant to sec-
11 tion 1(3) OF THIS CHAPTER shall be placed on probation for life.
12 That sentence may be made subject to conditions of probation
13 specified in section 3 OF THIS CHAPTER and to revocation for vio-
14 lation of those conditions, but the period of probation shall not
15 be reduced other than by a revocation ~~which~~ THAT results in
16 imprisonment.

17 (4) Subsections (1) and (3) do not apply to a juvenile
18 placed on probation and committed under section 1(3) or (4) of
19 chapter IX to a state institution or agency described in the
20 youth rehabilitation services act, Act No. 150 of the Public Acts
21 of 1974, being sections 803.301 to 803.309 of the Michigan
22 Compiled Laws.