

HOUSE BILL No. 5913

June 9, 1992, Introduced by Reps. McBryde, Bartnik, Jamian, Hoffman, Porreca, London, Middaugh, Strand, Dolan, Jaye, Bodem, Rocca, Gnodtke, Fitzgerald, Bender, Johnson, Horton, Nye, Oxender, Brackenridge, Dalman, Middleton, Dobb, O'Connor, Goss, Bobier, Gernaat, Gilmer, Shugars, Bankes, DeLange, Willis Bullard, Martin. Van Singel, Munsell, Knight, Sikkema and Walberg and referred to the Committee on Judiciary.

A bill to amend sections 1 and 28 of chapter IX and sections 1, 2, 3, 3a, 3c, 4, and 5 of chapter XI of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," section 1 of chapter IX as amended by Act No. 113 of the Public Acts of 1989, section 28 of chapter IX and sections 2, 3a, 4, and 5 of chapter XI as amended by Act No. 78 of the Public Acts of 1988, section 1 of chapter XI as amended by Act No. 90 of the Public Acts of 1988, and section 3 of chapter XI as amended and section 3c of chapter XI as added by Act No. 184 of the Public Acts of 1989, being sections 769.1, 769.28, 771.1, 771.2, 771.3, 771.3a, 771.3c, 771.4, and 771.5 of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 28 of chapter IX and sections 1,
2 2, 3, 3a, 3c, 4, and 5 of chapter XI of Act No. 175 of the Public
3 Acts of 1927, section 1 of chapter IX as amended by Act No. 113
4 of the Public Acts of 1989, section 28 of chapter IX and sections
5 2, 3a, 4, and 5 of chapter XI as amended by Act No. 78 of the
6 Public Acts of 1988, section 1 of chapter XI as amended by Act
7 No. 90 of the Public Acts of 1988, and section 3 of chapter XI as
8 amended and section 3c of chapter XI as added by Act No. 184 of
9 the Public Acts of 1989, being sections 769.1, 769.28, 771.1,
10 771.2, 771.3, 771.3a, 771.3c, 771.4, and 771.5 of the Michigan
11 Compiled Laws, are amended to read as follows:

12 CHAPTER IX

13 Sec. 1. (1) A judge of a court having jurisdiction ~~is~~
14 ~~authorized and empowered to~~ MAY pronounce judgment against and
15 pass sentence upon a person convicted of an offense in that
16 court. The sentence shall not ~~be in excess of~~ EXCEED the sen-
17 tence prescribed by law.

18 (2) The sentencing of a person convicted of a felony or a
19 misdemeanor punishable by imprisonment for more than 92 days
20 shall not occur until the court has examined the court file and
21 has determined that the fingerprints of the person have been
22 taken.

23 ~~(3) A judge of a court having jurisdiction over a juvenile~~
24 ~~shall conduct a hearing at the juvenile's sentencing to determine~~
25 ~~if the best interests of the juvenile and the public would be~~
26 ~~served by placing the juvenile on probation and committing the~~
27 ~~juvenile to a state institution or agency described in the youth~~

~~1 rehabilitation services act, Act No. 150 of the Public Acts of
2 1974, being sections 803.301 to 803.309 of the Michigan Compiled
3 Laws, or by imposing any other sentence provided by law for an
4 adult offender. The rules of evidence do not apply to a hearing
5 under this subsection. In making this determination, the judge
6 shall consider the following criteria giving each weight as
7 appropriate to the circumstances:~~

~~8 (a) The prior record and character of the juvenile, his or
9 her physical and mental maturity, and his or her pattern of
10 living.~~

~~11 (b) The seriousness and the circumstances of the offense.~~

~~12 (c) Whether the offense is part of a repetitive pattern of
13 offenses which would lead to 1 of the following determinations:~~

~~14 (i) The juvenile is not amenable to treatment.~~

~~15 (ii) That despite the juvenile's potential for treatment,
16 the nature of the juvenile's delinquent behavior is likely to
17 disrupt the rehabilitation of other juveniles in the treatment
18 program.~~

~~19 (d) Whether, despite the juvenile's potential for treatment,
20 the nature of the juvenile's delinquent behavior is likely to
21 render the juvenile dangerous to the public if released at the
22 age of 21.~~

~~23 (e) Whether the juvenile is more likely to be rehabilitated
24 by the services and facilities available in adult programs and
25 procedures than in juvenile programs and procedures.~~

~~26 (f) What is in the best interests of the public welfare and
27 the protection of the public security.~~

1 ~~(4) With the consent of the prosecutor and the defendant,~~
2 ~~the court may waive the hearing required under subsection (3).~~
3 ~~If the court waives the hearing required under subsection (3),~~
4 ~~the court may place the juvenile on probation and commit the~~
5 ~~juvenile to a state institution or agency described in Act~~
6 ~~No. 150 of the Public Acts of 1974, but may not impose any other~~
7 ~~sentence provided by law for an adult offender.~~

8 ~~(5) The court shall state on the record the court's findings~~
9 ~~of fact and conclusions of law for the probation and commitment~~
10 ~~decision or sentencing decision made under subsection (3). If a~~
11 ~~juvenile is committed under subsection (3) to a state institution~~
12 ~~or agency described in Act No. 150 of the Public Acts of 1974, a~~
13 ~~transcript of the court's findings shall be sent to the depart-~~
14 ~~ment of social services.~~

15 ~~(6) If a juvenile is committed under subsection (3) or (4)~~
16 ~~to a state institution or agency described in Act No. 150 of the~~
17 ~~Public Acts of 1974, the written order of commitment shall con-~~
18 ~~tain a provision for the reimbursement to the court by the juve-~~
19 ~~nile or those responsible for the juvenile's support, or both,~~
20 ~~for the cost of care or service. The amount of reimbursement~~
21 ~~ordered shall be reasonable, taking into account both the income~~
22 ~~and resources of the juvenile and those responsible for the~~
23 ~~juvenile's support. The amount may be based upon the guidelines~~
24 ~~and model schedule prepared under section 18(6) of chapter XIIA~~
25 ~~of Act No. 288 of the Public Acts of 1939, being section 712A.18~~
26 ~~of the Michigan Compiled Laws. The reimbursement provision shall~~
27 ~~apply during the entire period the juvenile remains in care~~

~~1 outside the juvenile's own home and under court supervision. The
2 court shall provide for the collection of all amounts ordered to
3 be reimbursed, and the money collected shall be accounted for and
4 reported to the county board of commissioners. Collections to
5 cover delinquent accounts or to pay the balance due on reimburse-
6 ment orders may be made after a juvenile is released or dis-
7 charged from care outside the juvenile's own home and under court
8 supervision. Twenty five percent of all amounts collected pursu-
9 ant to an order entered under this subsection shall be credited
10 to the appropriate fund of the county to offset the administra-
11 tive cost of collections. The balance of all amounts collected
12 pursuant to an order entered under this subsection shall be
13 divided in the same ratio in which the county, state, and federal
14 government participate in the cost of care outside the juvenile's
15 own home and under state or court supervision. The court may
16 also collect benefits paid by the government of the United States
17 for the cost of care of the juvenile. Money collected for juve-
18 niles placed with or committed to the state department of social
19 services shall be accounted for and reported on an individual
20 basis. In cases of delinquent accounts, the court may also enter
21 an order to intercept state tax refunds or the federal income tax
22 refund of a child, parent, guardian, or custodian and initiate
23 the necessary offset proceedings in order to recover the cost of
24 care or service. The court shall send to the person who is the
25 subject of the intercept order advance written notice of the pro-
26 posed offset. The notice shall include notice of the opportunity
27 to contest the offset on the grounds that the intercept is not~~

~~1 proper because of a mistake of fact concerning the amount of the
2 delinquency or the identity of the person subject to the order.
3 The court shall provide for the prompt reimbursement of an amount
4 withheld in error or an amount found to exceed the delinquent
5 amount.~~

~~6 (7) If the court appoints an attorney to represent a juve
7 nile, an order entered under this section may require the juve
8 nile or person responsible for the juvenile's support, or both,
9 to reimburse the court for attorney fees.~~

~~10 (8) An order directed to a person responsible for the
11 juvenile's support under this section shall not be effectual and
12 binding on the person unless an opportunity for a hearing has
13 been given and until a copy of the order is served on the person,
14 personally or by first class mail to the person's last known
15 address.~~

~~16 (9) If a juvenile is placed on probation and committed under
17 subsection (3) or (4) to a state institution or agency described
18 in Act No. 150 of the Public Acts of 1974, the court shall retain
19 jurisdiction over the juvenile while the juvenile is on probation
20 and committed to that state institution or agency.~~

~~21 (10) If the court has retained jurisdiction over a juvenile
22 under subsection (9), the court shall conduct an annual review of
23 the services being provided to the juvenile, the juvenile's
24 placement, and the juvenile's progress in that placement. In
25 conducting this review, the court shall examine the juvenile's
26 annual report prepared pursuant to section 3 of the juvenile
27 facilities act, Act No. 73 of the Public Acts of 1988, being~~

4 Sec. 28. Notwithstanding any provision of law to the con-
5 trary, ~~in case of the commitment or sentence of~~ a person con-
6 victed of a crime or contempt of court AND COMMITTED OR SENTENCED
7 to imprisonment for a maximum of 1 year or less ~~, the commitment~~
8 ~~or sentence~~ shall be ~~made~~ COMMITTED OR SENTENCED to the county
9 jail of the county in which the person was convicted, and not to
10 a state penal institution. ~~This section shall not apply to a~~
11 ~~juvenile placed on probation and committed to a state institution~~
12 ~~or agency described in the youth rehabilitation services act, Act~~
13 ~~No. 150 of the Public Acts of 1974, being sections 803.301 to~~
14 ~~803.309 of the Michigan Compiled Laws, under section 1(3) or (4)~~
15 ~~of this chapter.~~

17 Sec. 1. (1) In all prosecutions for felonies or misdemean-
18 ors, except murder, treason, criminal sexual conduct in the first
19 or third degree, robbery while armed, and major controlled sub-
20 stance offenses not described in subsection (3), if the defendant
21 has been found guilty upon verdict or plea, and if it appears to
22 the satisfaction of the court that the defendant is not likely
23 again to engage in an offensive or criminal course of conduct and
24 that the public good does not require that the defendant ~~shall~~
25 suffer the penalty imposed by law, the court may place the
26 defendant on probation under the charge and supervision of a
27 probation officer.

1 (2) Except as provided in subsection (3), in an action in
2 which the court may place the defendant on probation, the court
3 may delay the imposing of sentence of the defendant for a period
4 of not to exceed 1 year for the purpose of giving the defendant
5 an opportunity to prove to the court his or her eligibility for
6 probation or other leniency compatible with the ends of justice
7 and the rehabilitation of the defendant. When the sentencing is
8 delayed, the court shall make an order stating the reason for the
9 delay, which ~~order~~ shall be entered upon the records of the
10 court. The delay in passing sentence ~~shall~~ DOES not deprive
11 the court of jurisdiction to sentence the defendant at any time
12 during the extended period.

13 (3) The sentencing judge may place a defendant on life pro-
14 bation pursuant to subsection (1) if the defendant is convicted
15 for a violation of section 7401(2)(a)(iv) or 7403(2)(a)(iv) of
16 the public health code, Act No. 368 of the Public Acts of 1978,
17 being sections 333.7401 ~~or~~ AND 333.7403 of the Michigan
18 Compiled Laws, or conspiracy to commit either of those ~~2~~
19 offenses. Subsection (2) does not apply to this subsection.

20 ~~(4) Beginning June 1, 1988, this section does not apply to~~
21 ~~a juvenile placed on probation and committed under section 1(3)~~
22 ~~or (4) of chapter IX to a state institution or agency described~~
23 ~~in the youth rehabilitation services act, Act No. 150 of the~~
24 ~~Public Acts of 1974, being sections 803.301 to 803.309 of the~~
25 ~~Michigan Compiled Laws.~~

26 Sec. 2. (1) If the defendant is convicted for an offense
27 ~~which~~ THAT is not a felony, the period of probation shall not

1 exceed 2 years. If the defendant is convicted of a felony
2 ~~which~~ THAT is not a major controlled substance offense, the
3 period of probation shall not exceed 5 years.

4 (2) The court shall FIX AND DETERMINE THE PERIOD AND CONDI-
5 TIONS OF PROBATION by order, to be filed or entered in the cause
6 as the court may direct by general rule or in each case. ~~fix~~
7 ~~and determine the period and conditions of probation.~~ The order,
8 whether it is filed or entered, ~~shall be considered as~~ IS part
9 of the record in the cause and ~~shall be~~ IS at all times altera-
10 ble and amendable, both in form and in substance, in the court's
11 discretion.

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

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

25 Sec. 3. (1) The conditions of probation shall include the
26 following:

1 (a) That the probationer shall not, during the term of his
2 or her probation, violate any criminal law of this state, or any
3 ordinance of any municipality in the state.

4 (b) That the probationer shall not, during the term of his
5 or her probation, leave the state without the consent of the
6 court granting his or her application for probation.

7 (c) That the probationer shall make a report to the proba-
8 tion officer, either in person or in writing, monthly, or as
9 often as the probation officer may require. ~~This subdivision~~
10 ~~does not apply to a juvenile placed on probation and committed~~
11 ~~under section 1(3) or (4) of chapter IX to a state institution or~~
12 ~~agency described in the youth rehabilitation services act, Act~~
13 ~~No. 150 of the Public Acts of 1974, being sections 803.301 to~~
14 ~~803.309 of the Michigan Compiled Laws.~~

15 (d) That the probationer, if convicted of a felony, pay a
16 probation oversight fee or perform community service as pre-
17 scribed in section 3c.

18 (2) As a condition of probation, the court may require the
19 probationer to do 1 or more of the following:

20 (a) Be imprisoned in the county jail for not more than 12
21 months, at the time or intervals, which may be consecutive or
22 nonconsecutive, within the probation as the court may determine.
23 However, the period of confinement shall not exceed the maximum
24 period of imprisonment provided for the offense charged if the
25 maximum period is less than 12 months. ~~This subdivision does~~
26 ~~not apply to a juvenile placed on probation and committed under~~
27 ~~section 1(3) or (4) of chapter IX to a state institution or~~

1 ~~agency described in Act No. 150 of the Public Acts of 1974, being~~
2 ~~sections 803.301 to 803.309 of the Michigan Compiled Laws.~~

3 (b) Pay immediately or within the period of his or her pro-
4 bation, a fine imposed at the time of being placed on probation.

5 (c) Pay costs pursuant to subsection (4).

6 (d) Pay restitution to the victim or the victim's estate.

7 (e) Engage in community service.

8 (3) Subsection (2) ~~shall~~ DOES not apply to a person who is
9 placed on probation for life pursuant to sections 1(3) and 2(3)
10 of this chapter.

11 (4) The court may impose other lawful conditions of proba-
12 tion as the circumstances of the case ~~may~~ require or warrant,
13 or as in its judgment may be proper. If the court requires the
14 probationer to pay costs, the costs shall be limited to expenses
15 specifically incurred in prosecuting the defendant or providing
16 legal assistance to the defendant and probationary oversight of
17 the probationer.

18 (5) If the court imposes restitution or costs as part of a
19 sentence of probation, the following ~~shall~~ apply:

20 (a) The court shall not require a probationer to pay resti-
21 tution or costs unless the probationer is or will be able to pay
22 them during the term of probation. In determining the amount and
23 method of payment of restitution and costs, the court shall take
24 into account the financial resources of the probationer and the
25 nature of the burden that payment of restitution or costs will
26 impose, with due regard to his or her other obligations.

1 (b) A probationer who is required to pay restitution or
2 costs and who is not in willful default of the payment of the
3 restitution or costs, at any time, may petition the sentencing
4 judge or his or her successor for a remission of the payment of
5 any unpaid portion of restitution, costs, or both. If it appears
6 to the satisfaction of the court that payment of the amount due
7 will impose a manifest hardship on the probationer or his or her
8 immediate family, the court may remit all or part of the amount
9 due in restitution or costs or modify the method of payment.

10 (6) If a probationer is required to pay restitution or costs
11 as part of a sentence of probation, the court may require payment
12 to be made immediately or the court may provide for payment to be
13 made within a specified period of time or in specified
14 installments.

15 (7) If a probationer is ordered to pay restitution or costs
16 as part of a sentence of probation, compliance with that order
17 ~~shall be~~ IS a condition of probation. The court may revoke
18 probation if the probationer fails to comply with the order and
19 if the probationer has not made a good faith effort to comply
20 with the order. In determining whether to revoke probation, the
21 court shall consider the probationer's employment status, earning
22 ability, financial resources, ~~and~~ the willfulness of the
23 probationer's failure to pay, and any other special circumstances
24 that may have a bearing on the probationer's ability to pay. The
25 proceedings provided for in this subsection ~~shall be~~ ARE in
26 addition to those provided in section 4 of this chapter. ~~A~~
27 ~~juvenile placed on probation and committed under section 1(3) or~~

1 ~~(4) of chapter IX to a state institution or agency described in~~
2 ~~Act No. 150 of the Public Acts of 1974, being sections 803.301 to~~
3 ~~803.309 of the Michigan Compiled Laws, shall not be committed to~~
4 ~~the department of corrections for failure to comply with a resti-~~
5 ~~tution order.~~

6 Sec. 3a. (1) A person under 22 years of age who is con-
7 victed of the commission of a crime in this state for which a
8 sentence in a state prison may be imposed may be required under a
9 probation order of the court to spend a part of the probation
10 period not exceeding 1 year, ~~as the court directs,~~ in a proba-
11 tion camp made available to the court by the department of
12 corrections. Admission to a probation camp under this section
13 shall be made only with the prior consent of the department of
14 corrections. The department shall have custody of the person of
15 the probationer for the period directed by the court. A proba-
16 tioner fleeing the custody of the department may be pursued and
17 recaptured as if the probationer had been regularly committed to
18 a penal institution and had escaped from the institution. A vio-
19 lation by the probationer of the department's rules shall consti-
20 tute sufficient grounds for the court to revoke its probation
21 order and to sentence the probationer for the offense for which
22 the probationer was originally convicted and placed on
23 probation. This section ~~shall~~ DOES not restrict or limit the
24 jurisdiction of the court to place a person on probation in
25 another facility suitable and available to the court. The
26 expense of transporting a probationer to and from the probation

1 camp shall be borne by the county from which the probationer was
2 committed to the department of corrections.

3 (2) This section does not apply to a person placed on proba-
4 tion pursuant to sections 1(3) and 2(3) of this chapter. ~~nor to~~
5 ~~a juvenile placed on probation and committed under section 1(3)~~
6 ~~or (4) of chapter IX to a state institution or agency described~~
7 ~~in the youth rehabilitation services act, Act No. 150 of the~~
8 ~~Public Acts of 1974, being sections 803.301 to 803.309 of the~~
9 ~~Michigan Compiled Laws.~~

10 Sec. 3c. (1) Except as otherwise provided in
11 subsection (2), the court shall include in each order of proba-
12 tion for a defendant convicted of a felony that the department of
13 corrections shall collect a probation oversight fee of \$30.00 per
14 month from the probationer. Amounts collected in excess of the
15 amount needed to support the operation of the probation and
16 parole supervision program as provided in the annual appropria-
17 tions act shall be deposited in the general fund.

18 (2) The court may order that a probationer perform community
19 service for not more than 10 hours per month instead of paying a
20 probation oversight fee if, ~~at the time~~ WHEN the probation
21 order is entered, either of the following circumstances applies
22 to that probationer:

23 (a) The imposition of the probation oversight fee would
24 cause the probationer's combined court ordered payments to exceed
25 50% of the probationer's monthly net income.

26 (b) Even if the 50% limit in subdivision (a) is not
27 exceeded, it appears to the court that the probationer is not

1 able, or will not be able, to pay the probation oversight fee.

2 The court shall take into account the financial resources of the
3 probationer and the nature of the burden that payment of the pro-
4 bation oversight fee will impose, with due regard for the
5 probationer's other obligations.

6 (3) At any time during the period covered by the probation
7 order, upon the motion of the department of corrections or the
8 probationer, the court may reduce the amount of the probation
9 oversight fee, or suspend payment of the probation oversight fee,
10 if it appears to the court that the circumstances prescribed in
11 subsection (2) apply to that probationer. If the court reduces
12 or suspends a probation oversight fee, the court shall require
13 instead that the probationer perform community service for not
14 more than 10 hours for each month the fee is reduced or
15 suspended. The court may reinstate a probation oversight fee
16 that has been decreased or suspended or may order that a proba-
17 tioner performing community service pursuant to subsection (2)
18 begin instead to pay a probation oversight fee, upon motion of
19 the department of corrections, if it appears to the court that
20 the circumstances prescribed in subsection (2) no longer apply.

21 (4) A probation oversight fee required under this section
22 shall be paid in the following order of priority in relation to
23 other court-ordered payments, if any, to which the probationer is
24 subject:

25 (a) First, any family support order.

26 (b) Second, any order of restitution or compensation for
27 crime victims.

1 (c) Third, the probation oversight fee.

2 (d) Fourth, any other court-ordered payments.

3 (5) If a probationer is found by the court to have willfully
4 defaulted in his or her obligation to pay a probation oversight
5 fee, the unpaid probation oversight fee may be recovered by the
6 department of treasury pursuant to section 30a of Act No. 122 of
7 the Public Acts of 1941, being section 205.30a of the Michigan
8 Compiled Laws; or the attorney general, on behalf of the state,
9 may bring an action for the reimbursement to the state of unpaid
10 probation oversight fees, and may use any remedy, interim order,
11 or enforcement procedure allowed by law or court rule to enforce
12 a judgment in favor of the state for that purpose.

13 ~~(6) This section does not apply to a juvenile placed on~~
14 ~~probation and committed under section 1(3) or (4) of chapter IX~~
15 ~~to a state institution or agency described in the youth rehabili-~~
16 ~~tation services act, Act No. 150 of the Public Acts of 1974,~~
17 ~~being sections 803.301 to 803.309 of the Michigan Compiled Laws.~~

18 Sec. 4. It is the intent of the legislature that the grant-
19 ing of probation ~~shall be~~ IS a matter of grace conferring no
20 vested right to its continuance. If during the period of proba-
21 tion it appears to the sentencing court's satisfaction that the
22 probationer is likely again to engage in an offensive or criminal
23 course of conduct or that the public good requires revocation of
24 probation the court may revoke probation. All probation orders
25 ~~shall be~~ ARE revocable in any manner ~~which~~ THAT the court
26 ~~which~~ THAT imposed probation ~~shall consider~~ CONSIDERS
27 applicable either for a violation or attempted violation of a

1 condition of probation or for any other type of antisocial
2 conduct or action on the part of the probationer ~~which shall~~
3 ~~satisfy~~ THAT SATISFIES the court that revocation is proper in
4 the public interest. Hearings on the revocation shall be summary
5 and informal and not subject to the rules of evidence or of
6 pleadings applicable in criminal trials. ~~The court may, in~~ IN
7 its probation order or by general rule, THE COURT MAY provide for
8 the apprehension, detention, and confinement of a probationer
9 accused of a violation of a probation condition or of conduct
10 inconsistent with the public good. The method of hearing and
11 presentation of charges accorded ~~shall lie~~ ARE within the
12 court's discretion, ~~which granted probation~~ except that the
13 probationer ~~shall be~~ IS entitled to a written copy of the
14 charges against him or her ~~which~~ THAT constitute the claim that
15 he or she violated probation, and ~~shall be~~ IS entitled to a
16 probation revocation hearing. The court may investigate and
17 enter a disposition of probationer as the court determines best
18 serves the public interest. If a probation order is revoked, the
19 court may ~~proceed to~~ sentence the probationer in the same
20 manner and to the same penalty as the court might have done if
21 the probation order had never been made. ~~This section does not~~
22 ~~apply to a juvenile placed on probation and committed under sec-~~
23 ~~tion 1(3) or (4) of chapter IX to a state institution or agency~~
24 ~~described in the youth rehabilitation services act, Act No. 150~~
25 ~~of the Public Acts of 1974, being sections 803.301 to 803.309 of~~
26 ~~the Michigan Compiled Laws.~~

1 Sec. 5. ~~(1)~~ Upon the termination of the probation period,
2 the probation officer shall report the fact to the court and
3 shall report the conduct of the probationer during the period of
4 probation. Upon receipt of the report, the court may discharge
5 the probationer from further supervision and enter a judgment of
6 suspended sentence or extend the probation period as the circum-
7 stances require so long as the maximum period of probation is not
8 exceeded.

9 ~~(2) This section does not apply to a juvenile placed on~~
10 ~~probation and committed under section 1(3) or (4) of chapter IX~~
11 ~~to a state institution or agency described in the youth rehabili-~~
12 ~~tation services act, Act No. 150 of the Public Acts of 1974,~~
13 ~~being sections 803.301 to 803.309 of the Michigan Compiled Laws.~~

14 Section 2. Section 1b of chapter IX and sections 7 and 14a
15 of chapter XI of Act No. 175 of the Public Acts of 1927, being
16 sections 769.1b, 771.7, and 771.14a of the Michigan Compiled
17 Laws, are repealed.