

Act No. 184
Public Acts of 1993
Approved by the Governor
September 30, 1993
Filed with the Secretary of State
September 30, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Bender, Cropsey, Walberg, Randall, Joe Young, Jr., Hill, Vorva, Whyman, Allen, Gnodtke, Galloway, Middaugh, Martin, Bankes, Middleton, Johnson, Gilmer, Bobier, Wetters, Pitoniak, McNutt and Dalman

ENROLLED HOUSE BILL No. 4877

AN ACT to amend the title and section 36a of Act No. 232 of the Public Acts of 1953, entitled as amended "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," as added by Act No. 185 of the Public Acts of 1989, being section 791.236a of the Michigan Compiled Laws; and to add section 25a.

The People of the State of Michigan enact:

Section 1. The title and section 36a of Act No. 232 of the Public Acts of 1953, as added by Act No. 185 of the Public Acts of 1989, being section 791.236a of the Michigan Compiled Laws, are amended and section 25a is added to read as follows:

TITLE

An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Sec. 25a. (1) The department shall collect supervision fees ordered under section 13(2) of chapter II or section 1 or 3c of chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 762.13, 771.1,

and 771.3c of the Michigan Compiled Laws. 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 Act No. 89 of the Public Acts of 1935, being sections 798.101 to 798.103 of the Michigan Compiled Laws, for the months during which he or she is in another state. The department shall collect a supervision fee of not more than \$30.00 per month for each month of supervision in this state for an offender transferred to this state under that interstate compact. In determining the amount of the fee, the department shall consider the offender's projected income and financial resources. The department shall use the following table of projected monthly income in determining the amount of the fee:

<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
\$ 0-249.99	\$ 0.00
\$ 250.00-499.99	\$10.00
\$ 500.00-749.99	\$20.00
\$ 750.00 or more	\$30.00

The department may collect a higher amount than indicated by the table, up to the maximum of \$30.00 for each month of supervision in this state, if the department determines that the offender has sufficient assets or other financial resources to warrant the higher amount. If the department collects a higher amount, the amount and the reasons for collecting that amount shall be stated in the department records.

(4) 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 shall be as otherwise provided in the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 760.1 to 776.21 of the Michigan Compiled Laws.

(5) Twenty percent of the money collected by the department under this section shall 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 shall be available for carryforward to be used for the purposes described in this subsection in subsequent fiscal years. Money received by the department pursuant to this subsection in the fiscal year ending September 30, 1994 is appropriated for the purposes described in this subsection.

(6) 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, the department shall review and compare the actual income of the person during the period of probation or delayed sentence with the income amount projected when the supervision fee was ordered. If the department determines that the person's actual income did not equal or exceed the projected income, the department shall waive any unpaid amount in excess of the total amount that the person would have been ordered to pay if the person's income had been accurately projected, unless the court order states that a higher amount was ordered due to available assets or other financial resources. Any unpaid amounts not waived by the department shall be reported to the department of treasury. The department of treasury shall attempt to collect the unpaid balances pursuant to section 30a of Act No. 122 of the Public Acts of 1941, being section 205.30a of the Michigan Compiled Laws. Money collected under this subsection shall not be allocated for the purposes described in subsection (5).

Sec. 36a. (1) The parole board shall include in each order of parole that the department of corrections shall collect a parole supervision fee of not more than \$30.00 multiplied by the number of months of parole ordered, but not more than 60 months. The fee is payable when the parole order is entered, but the fee may be paid in monthly installments if the parole board approves installment payments for that parolee. In determining the amount of the fee, the parole board shall consider the parolee's projected income and financial resources. The parole board shall use the following table of projected monthly income in determining the amount of the fee to be ordered:

<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
\$ 0-249.99	\$ 0.00
\$ 250.00-499.99	\$10.00
\$ 500.00-749.99	\$20.00
\$ 750.00 or more	\$30.00

The parole board may order a higher amount than indicated by the table, up to the maximum of \$30.00 multiplied by the number of months of parole ordered but not more than 60 months, if the parole board determines that the parolee has sufficient assets or other financial resources to warrant the higher amount. If the parole board orders a higher amount, the amount and the reasons for ordering that amount shall be stated in the parole order.

\$ 500.00-749.99	\$10.00
\$ 750.00-999.99	\$20.00
\$1,000.00 or more	\$30.00

(2) A parole oversight fee ordered before October 1, 1993, pursuant to this section as it existed before the 1993 amendatory act that amended this section remains enforceable according to the terms of that parole order notwithstanding the amendments to this section made by the 1993 amendatory act that amended this section.

(3) 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 shall be as otherwise provided in the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 760.1 to 776.21 of the Michigan Compiled Laws.

(4) A person shall not be subject to more than 1 parole supervision fee at the same time. If a parole supervision fee is ordered for a parolee for any month or months during which that parolee already is subject to a parole supervision fee, the department shall waive the fee having the shorter remaining duration.

(5) The department shall waive the parole supervision fee for a parolee who is transferred to another state under the interstate compact entered into pursuant to Act No. 89 of the Public Acts of 1935, being sections 798.101 to 798.103 of the Michigan Compiled Laws, for the months during which he or she is in another state. The department shall collect a parole supervision fee of not more than \$30.00 per month for each month of parole supervision in this state for an offender transferred to this state under that interstate compact. In determining the amount of the fee, the department shall consider the parolee's projected income and financial resources. The department shall use the following table of projected monthly income in determining the amount of the fee:

<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
\$ 0-249.99	\$ 0.00
\$ 250.00-499.99	\$10.00
\$ 500.00-749.99	\$20.00
\$ 750.00 or more	\$30.00

The department may collect a higher amount than indicated by the table, up to the maximum of \$30.00 for each month of parole supervision in this state, if the department determines that the parolee has sufficient assets or other financial resources to warrant the higher amount. If the department collects a higher amount, the amount and the reasons for collecting that amount shall be stated in the department records.

(6) Twenty percent of the money collected by the department under this section shall be allocated for administrative costs incurred by the department in collecting parole supervision fees and for enhanced services, as described in this subsection. Enhanced services include, but are not limited to, the purchase of services for parolees 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 parolee employment. At the end of each fiscal year, the unexpended balance of the money allocated for administrative costs and enhanced services shall be available for carryforward to be used for the purposes described in this subsection in subsequent fiscal years. Money received by the department pursuant to this subsection in the fiscal year ending September 30, 1994 is appropriated for the purposes described in this subsection.

(7) If a parolee has not paid the full amount of the parole supervision fee upon being discharged from parole, the department shall review and compare the actual income of the person during the period of parole with the income amount projected when the parole supervision fee was ordered. If the department determines that the parolee's actual income did not equal or exceed the projected income, the department shall waive any unpaid amount in excess of the total amount that the parolee would have been ordered to pay if the parolee's income had been accurately projected, unless the parole order states that a higher amount was ordered due to available assets or other financial resources. Any unpaid amounts not waived by the department shall be reported to the department of treasury. The department of treasury shall attempt to collect the unpaid balances pursuant to section 30a of Act No. 122 of the Public Acts of 1941, being section 205.30a of the Michigan Compiled Laws. Money collected under this subsection shall not be allocated for the purposes described in subsection (6).

Section 2. This amendatory act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law:

- (a) House Bill No. 4875.
- (b) House Bill No. 4876.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.