



HOUSE BILL No. 4877

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June 22, 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 and referred to the Committee on Appropriations.

A bill 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:

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

5	TITLE
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6 An act to revise, consolidate, and codify the laws relating
7 to probationers and probation officers, to pardons, reprieves,
8 commutations, and paroles, to the administration of correctional
9 institutions, correctional farms, and probation recovery camps,
10 to prisoner labor and correctional industries, and TO the super-
11 vision and inspection of local jails and houses of correction; to
12 provide for the siting of correctional facilities; to create a
13 state department of corrections, and to prescribe its powers and
14 duties; to provide for the transfer to and vesting in said
15 department of powers and duties vested by law in certain other
16 state boards, commissions, and officers, and to abolish certain
17 boards, commissions, and offices the powers and duties of which
18 are ~~hereby~~ transferred BY THIS ACT; to prescribe the powers and
19 duties of certain other state departments and agencies; to pro-
20 vide for the creation of a local lockup advisory board; to pre-
21 scribe penalties for the violation of the provisions of this act;
22 TO MAKE CERTAIN APPROPRIATIONS; to repeal certain parts of this
23 act on specific dates; and to repeal all acts and parts of acts
24 inconsistent with the provisions of this act.

25 SEC. 25A. (1) THE DEPARTMENT SHALL COLLECT SUPERVISION FEES
26 ORDERED UNDER SECTION 13(2) OF CHAPTER II OR SECTION 1 OR 3C OF

1 CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE
2 PUBLIC ACTS OF 1927, BEING SECTIONS 762.13, 771.1, AND 771.3C OF
3 THE MICHIGAN COMPILED LAWS.

4 (2) A SUPERVISION FEE IS PAYABLE WHEN THE ORDER OF DELAYED
5 SENTENCE OR ORDER OF PROBATION IS ENTERED, UNLESS THE COURT
6 ALLOWS A PERSON WHO IS SUBJECT TO A SUPERVISION FEE TO PAY THE
7 FEE IN MONTHLY INSTALLMENTS.

8 (3) THE DEPARTMENT SHALL WAIVE ANY APPLICABLE SUPERVISION
9 FEE FOR A PERSON WHO IS TRANSFERRED TO ANOTHER STATE UNDER THE
10 INTERSTATE COMPACT ENTERED INTO PURSUANT TO ACT NO. 89 OF THE
11 PUBLIC ACTS OF 1935, BEING SECTIONS 798.101 TO 798.103 OF THE
12 MICHIGAN COMPILED LAWS, FOR THE MONTHS DURING WHICH HE OR SHE IS
13 IN ANOTHER STATE. THE DEPARTMENT SHALL COLLECT A SUPERVISION FEE
14 OF \$30.00 PER MONTH FOR EACH MONTH OF SUPERVISION IN THIS STATE
15 FOR AN OFFENDER TRANSFERRED TO THIS STATE UNDER THAT INTERSTATE
16 COMPACT.

17 (4) A SUPERVISION FEE SHALL BE PAID IN THE FOLLOWING ORDER
18 OF PRIORITY IN RELATION TO OTHER COURT-ORDERED PAYMENTS, IF ANY,
19 TO WHICH THE PERSON IS SUBJECT:

20 (A) FIRST, ANY FAMILY SUPPORT ORDER.

21 (B) SECOND, ANY ORDER OF RESTITUTION OR COMPENSATION FOR
22 CRIME VICTIMS.

23 (C) THIRD, ANY COURT-ORDERED PAYMENTS FOR COURT COSTS,
24 FINES, OR ATTORNEY FEES.

25 (D) FOURTH, THE SUPERVISION FEE.

26 (E) FIFTH, ANY OTHER COURT-ORDERED PAYMENTS.

1 (5) TWENTY PERCENT OF THE MONEY COLLECTED BY THE DEPARTMENT
2 UNDER THIS SECTION SHALL BE ALLOCATED FOR ADMINISTRATIVE COSTS
3 INCURRED BY THE DEPARTMENT IN COLLECTING SUPERVISION FEES AND FOR
4 ENHANCED SERVICES, AS DESCRIBED IN THIS SUBSECTION. ENHANCED
5 SERVICES INCLUDE, BUT ARE NOT LIMITED TO, THE PURCHASE OF SERV-
6 ICES FOR OFFENDERS SUCH AS COUNSELING, EMPLOYMENT TRAINING,
7 EMPLOYMENT PLACEMENT, OR EDUCATION; PUBLIC TRANSPORTATION
8 EXPENSES RELATED TO TRAINING, COUNSELING, OR EMPLOYMENT; ENHANCE-
9 MENT OF STAFF PERFORMANCE THROUGH SPECIALIZED TRAINING AND EQUIP-
10 MENT PURCHASE; AND PURCHASE OF ITEMS FOR OFFENDER EMPLOYMENT.
11 THE DEPARTMENT SHALL DEVELOP PRIORITIES FOR EXPENDING THE MONEY
12 FOR ENHANCED SERVICES IN CONSULTATION WITH CIRCUIT JUDGES IN THIS
13 STATE. AT THE END OF EACH FISCAL YEAR, THE UNEXPENDED BALANCE OF
14 THE MONEY ALLOCATED FOR ADMINISTRATIVE COSTS AND ENHANCED SERV-
15 ICES SHALL BE AVAILABLE FOR CARRYFORWARD TO BE USED FOR THE PUR-
16 POSES DESCRIBED IN THIS SUBSECTION IN SUBSEQUENT FISCAL YEARS.
17 MONEY RECEIVED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION IN
18 THE FISCAL YEAR ENDING SEPTEMBER 30, 1994 IS APPROPRIATED FOR THE
19 PURPOSES DESCRIBED IN THIS SUBSECTION.

20 (6) IF A PERSON HAS NOT PAID THE FULL AMOUNT OF A SUPERVI-
21 SION FEE UPON BEING DISCHARGED FROM PROBATION, OR UPON TERMINA-
22 TION OF THE PERIOD OF DELAYED SENTENCE FOR A PERSON SUBJECT TO
23 DELAYED SENTENCE, THE DEPARTMENT SHALL REPORT THE UNPAID BALANCE
24 TO A COLLECTION AGENCY OR TO THE DEPARTMENT OF TREASURY. A COL-
25 LECTION AGENCY SHALL RETAIN A PERCENTAGE ESTABLISHED BY CONTRACT
26 WITH THE STATE OF ANY UNPAID BALANCE THE AGENCY COLLECTS AND
27 SHALL FORWARD THE BALANCE TO THE DEPARTMENT OF TREASURY. THE

1 DEPARTMENT OF TREASURY SHALL ATTEMPT TO COLLECT THE UNPAID
2 BALANCES PURSUANT TO SECTION 30A OF ACT NO. 122 OF THE PUBLIC
3 ACTS OF 1941, BEING SECTION 205.30A OF THE MICHIGAN COMPILED
4 LAWS. MONEY COLLECTED UNDER THIS SUBSECTION SHALL NOT BE ALLO-
5 CATED FOR THE PURPOSES DESCRIBED IN SUBSECTION (5).

6 Sec. 36a. (1) ~~Except as otherwise provided in~~
7 ~~subsection (2), the~~ THE parole board shall include in each order
8 of parole that the department of corrections shall collect a
9 parole ~~oversight~~ SUPERVISION fee of \$30.00 MULTIPLIED BY THE
10 NUMBER OF MONTHS OF PAROLE ORDERED, BUT NOT MORE THAN 60 MONTHS.
11 THE FEE IS PAYABLE WHEN THE ORDER OF PAROLE IS ENTERED, BUT THE
12 FEE MAY BE PAID IN MONTHLY INSTALLMENTS IF THE DEPARTMENT
13 APPROVES INSTALLMENT PAYMENTS FOR THAT PAROLEE.

14 (2) A PAROLE OVERSIGHT FEE ORDERED BEFORE OCTOBER 1, 1993,
15 PURSUANT TO THIS SECTION AS IT EXISTED BEFORE THE 1993 AMENDATORY
16 ACT THAT AMENDED THIS SECTION, IS ENFORCEABLE AFTER OCTOBER 1,
17 1993 TO THE SAME EXTENT, AND IN THE SAME MANNER, AS A PAROLE
18 SUPERVISION FEE ORDERED UNDER THIS SECTION. ~~per month from the~~
19 ~~parolee. Amounts collected in excess of the amount needed to~~
20 ~~support the operation of the probation and parole supervision~~
21 ~~program as provided in the annual appropriations act shall be~~
22 ~~deposited in the general fund.~~

23 ~~(2) The parole board may order that a parolee perform commu-~~
24 ~~nity service for not more than 10 hours per month instead of~~
25 ~~paying a parole oversight fee if, at the time the parole order is~~
26 ~~entered, either of the following circumstances applies to that~~
27 ~~parolee.~~

1 ~~(a) The imposition of the parole oversight fee, in~~
2 ~~combination with all of the parolee's court ordered payments,~~
3 ~~would exceed 50% of the parolee's monthly net income.~~

4 ~~(b) Even if the 50% limit in subdivision (a) is not~~
5 ~~exceeded, it appears to the parole board that the parolee is not~~
6 ~~able, or will not be able, to pay the parole oversight fee. The~~
7 ~~parole board shall take into account the financial resources of~~
8 ~~the parolee and the nature of the burden that payment of the~~
9 ~~parole oversight fee will impose, with due regard for the~~
10 ~~parolee's other obligations.~~

11 ~~(3) At any time during the period covered by the parole~~
12 ~~order, the parole board may reduce the amount of the parole over-~~
13 ~~sight fee, or suspend payment of the parole oversight fee, if it~~
14 ~~appears to the parole board that the circumstances prescribed in~~
15 ~~subsection (2) apply to that parolee. If the parole board~~
16 ~~reduces or suspends a parole oversight fee, the parole board~~
17 ~~shall require instead that the parolee perform community service~~
18 ~~for not more than 10 hours for the month that the fee is reduced~~
19 ~~or suspended. The parole board may reinstate a parole oversight~~
20 ~~fee that has been decreased or suspended or may order that a~~
21 ~~parolee performing community service pursuant to subsection (2)~~
22 ~~begin instead to pay a parole oversight fee, if it appears to the~~
23 ~~parole board that the circumstances prescribed in subsection (2)~~
24 ~~no longer apply.~~

25 ~~(3) -(4)~~ A parole ~~oversight~~ SUPERVISION fee required
26 under this section shall be paid in the following order of

1 priority in relation to any court-ordered payments to which the
2 parolee is subject:

3 (a) First, any family support order.

4 (b) Second, any order of restitution or compensation for
5 crime victims.

6 (C) THIRD, ANY COURT-ORDERED PAYMENTS FOR COURT COSTS,
7 FINES, OR ATTORNEY FEES.

8 (D) ~~(c) Third~~ FOURTH, the parole ~~oversight~~ SUPERVISION
9 fee.

10 (E) ~~(d) Fourth~~ FIFTH, any other court-ordered payments.

11 ~~(5) If a parolee is found by the parole board to have will~~
12 ~~fully defaulted in his or her obligation to pay a parole over~~
13 ~~sight fee, the unpaid parole oversight fee may be recovered by~~
14 ~~the department of treasury pursuant to section 30a of Act No. 122~~
15 ~~of the Public Acts of 1941, being section 205.30a of the Michigan~~
16 ~~Compiled Laws; or the attorney general, on behalf of the state,~~
17 ~~may bring an action for the reimbursement to the state of unpaid~~
18 ~~parole oversight fees, and may use any remedy, interim order, or~~
19 ~~enforcement procedure allowed by law or court rule to enforce a~~
20 ~~judgment in favor of the state for that purpose.~~

21 (4) A PERSON SHALL NOT BE SUBJECT TO MORE THAN 1 PAROLE
22 SUPERVISION FEE AT THE SAME TIME. IF A PAROLE SUPERVISION FEE IS
23 ORDERED FOR A PAROLEE FOR ANY MONTH OR MONTHS DURING WHICH THAT
24 PAROLEE ALREADY IS SUBJECT TO A PAROLE SUPERVISION FEE, THE
25 DEPARTMENT SHALL WAIVE THE FEE HAVING THE SHORTER REMAINING
26 DURATION.

1 (5) THE DEPARTMENT SHALL WAIVE THE PAROLE SUPERVISION FEE
2 FOR A PAROLEE WHO IS TRANSFERRED TO ANOTHER STATE UNDER THE
3 INTERSTATE COMPACT ENTERED INTO PURSUANT TO ACT NO. 89 OF THE
4 PUBLIC ACTS OF 1935, BEING SECTIONS 798.101 TO 798.103 OF THE
5 MICHIGAN COMPILED LAWS, FOR THE MONTHS DURING WHICH HE OR SHE IS
6 IN ANOTHER STATE. THE DEPARTMENT SHALL COLLECT A PAROLE SUPERVI-
7 SION FEE OF \$30.00 PER MONTH FOR EACH MONTH OF PAROLE SUPERVISION
8 IN THIS STATE FOR AN OFFENDER TRANSFERRED TO THIS STATE UNDER
9 THAT INTERSTATE COMPACT.

10 (6) TWENTY PERCENT OF THE MONEY COLLECTED BY THE DEPARTMENT
11 UNDER THIS SECTION SHALL BE ALLOCATED FOR ADMINISTRATIVE COSTS
12 INCURRED BY THE DEPARTMENT IN COLLECTING PAROLE SUPERVISION FEES
13 AND FOR ENHANCED SERVICES, AS DESCRIBED IN THIS SUBSECTION.
14 ENHANCED SERVICES INCLUDE, BUT ARE NOT LIMITED TO, THE PURCHASE
15 OF SERVICES FOR PAROLEES SUCH AS COUNSELING, EMPLOYMENT TRAINING,
16 EMPLOYMENT PLACEMENT, OR EDUCATION; PUBLIC TRANSPORTATION
17 EXPENSES RELATED TO TRAINING, COUNSELING, OR EMPLOYMENT; ENHANCE-
18 MENT OF STAFF PERFORMANCE THROUGH SPECIALIZED TRAINING AND EQUIP-
19 MENT PURCHASE; AND PURCHASE OF ITEMS FOR PAROLEE EMPLOYMENT. AT
20 THE END OF EACH FISCAL YEAR, THE UNEXPENDED BALANCE OF THE MONEY
21 ALLOCATED FOR ADMINISTRATIVE COSTS AND ENHANCED SERVICES SHALL BE
22 AVAILABLE FOR CARRYFORWARD TO BE USED FOR THE PURPOSES DESCRIBED
23 IN THIS SUBSECTION IN SUBSEQUENT FISCAL YEARS. MONEY RECEIVED BY
24 THE DEPARTMENT PURSUANT TO THIS SUBSECTION IN THE FISCAL YEAR
25 ENDING SEPTEMBER 30, 1994 IS APPROPRIATED FOR THE PURPOSES
26 DESCRIBED IN THIS SUBSECTION.

1 (7) IF A PAROLEE HAS NOT PAID THE FULL AMOUNT OF THE PAROLE
2 SUPERVISION FEE UPON BEING DISCHARGED FROM PAROLE, THE DEPARTMENT
3 SHALL REPORT THE UNPAID BALANCE TO A COLLECTION AGENCY OR TO THE
4 DEPARTMENT OF TREASURY. A COLLECTION AGENCY SHALL RETAIN A PER-
5 CENTAGE ESTABLISHED BY CONTRACT WITH THE STATE OF ANY UNPAID BAL-
6 ANCE THE AGENCY COLLECTS AND SHALL FORWARD THE BALANCE TO THE
7 DEPARTMENT OF TREASURY. THE DEPARTMENT OF TREASURY SHALL ATTEMPT
8 TO COLLECT THE UNPAID BALANCES PURSUANT TO SECTION 30A OF ACT
9 NO. 122 OF THE PUBLIC ACTS OF 1941, BEING SECTION 205.30A OF THE
10 MICHIGAN COMPILED LAWS. MONEY COLLECTED UNDER THIS SUBSECTION
11 SHALL NOT BE ALLOCATED FOR THE PURPOSES DESCRIBED IN
12 SUBSECTION (6).

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

16 (a) Senate Bill No. _____ or House Bill No. 4875 (request
17 no. 03634'93).

18 (b) Senate Bill No. _____ or House Bill No. 4876 (request
19 no. 03634'93 b).