



HOUSE BILL No. 5361

February 22 1994 Introduced by Rep Nye and referred to the Committee on Judiciary

A bill to amend chapter IX of Act No 175 of the Public Acts of 1927 entitled as amended

The code of criminal procedure ' as amended being sections 769 1 to 769 28 of the Michigan Compiled Laws by adding section 1e

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Chapter IX of Act No 175 of the Public Acts of
2 1927 as amended being sections 769 1 to 769 28 of the Michigan
3 Compiled Laws is amended by adding section 1e to read as
4 follows

5 CHAPTER IX

6 SEC 1E (1) EXCEPT AS PROVIDED IN SUBSECTION (4), THE
7 COURT MAY SENTENCE A PERSON CONVICTED OF VIOLATING THE MICHIGAN
8 PENAL CODE ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING
9 SECTIONS 750 1 TO 750 568 OF THE MICHIGAN COMPILED LAWS, TO PAY A

1 FINE BASED UPON THE PERSON S AVERAGE NET DAILY INCOME IN LIEU OF
2 SENTENCING THE PERSON TO A TERM OF IMPRISONMENT

3 (2) THE COURT SHALL CONSIDER ALL OF THE FOLLOWING IN SEN-
4 TENCING A PERSON TO PAY A FINE PURSUANT TO THIS SECTION

5 (A) THE NATURE OF THE VIOLATION COMMITTED BY THE PERSON

6 (B) THE PERSON'S CRIMINAL RECORD

7 (C) THE POTENTIAL DETERRENT EFFECT OF SENTENCING THE PERSON
8 TO PAY A FINE IN LIEU OF IMPRISONING THE PERSON

9 (3) THE COURT SHALL CONSIDER THE PERSON S FINANCIAL
10 RESOURCES IN DETERMINING THE AMOUNT OF THE FINE TO BE IMPOSED
11 PURSUANT TO THIS SECTION BUT NOT IN DETERMINING THE PERSON'S
12 ELIGIBILITY TO PAY A FINE PURSUANT TO THIS SECTION IN LIEU OF
13 BEING IMPRISONED

14 (4) THE COURT SHALL NOT SENTENCE A PERSON UNDER THIS SECTION
15 UNLESS THE COURT DETERMINES THAT ALL OF THE FOLLOWING CIRCUM-
16 STANCES EXIST

17 (A) THE PERSON WAS CONVICTED OF A CRIME FOR WHICH NO MANDA-
18 TORY MINIMUM TERM OF IMPRISONMENT IS REQUIRED

19 (B) THE PERSON WAS CONVICTED OF A CRIME FOR WHICH HE OR SHE
20 IS ELIGIBLE FOR PAROLE OR PROBATION

21 (C) THE PERSON DOES NOT POSE A THREAT OF VIOLENCE TO THE
22 COMMUNITY

23 (D) THE PERSON IS NOT AN HABITUAL OFFENDER

24 Section 2 This amendatory act shall not take effect unless
25 Senate Bill No _____ or House Bill No 5362 (request
26 no 03857 93 a) of the 87th Legislature is enacted into law