



# SENATE BILL No. 178

January 31, 1995, Introduced by Senator SHUGARS and referred to the Committee on Judiciary.

A bill to amend chapter XI of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," as amended, being sections 771.1 to 771.14a of the Michigan Compiled Laws, by adding section 3d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter XI of Act No. 175 of the Public Acts of  
2 1927, as amended, being sections 771.1 to 771.14a of the Michigan  
3 Compiled Laws, is amended by adding section 3d to read as  
4 follows:

### CHAPTER XI

5  
6 SEC. 3D. (1) A PERSON WHO IS CONVICTED OF A FELONY IN THIS  
7 STATE AND WHOSE SENTENCING GUIDELINES SCORE HAS AN UPPER LIMIT  
8 FOR THE RECOMMENDED MINIMUM SENTENCE OF 24 MONTHS OR LESS MAY BE  
9 REQUIRED AS A CONDITION OF PROBATION TO BE CONFINED FOR A PART OF

1 THE PROBATION PERIOD NOT EXCEEDING 1 YEAR, AS THE COURT DIRECTS,  
2 IN AN ALTERNATIVE CORRECTIONS CENTER MADE AVAILABLE TO THE COURT  
3 BY THE DEPARTMENT OF CORRECTIONS PURSUANT TO SECTION 26 OF ACT  
4 NO. 232 OF THE PUBLIC ACTS OF 1953, BEING SECTION 791.226 OF THE  
5 MICHIGAN COMPILED LAWS.

6 (2) THE DEPARTMENT HAS CUSTODY OF THE PROBATIONER FOR THE  
7 PERIOD DIRECTED BY THE COURT UNDER SUBSECTION (1). A PROBATIONER  
8 WHO ESCAPES THE CUSTODY OF THE DEPARTMENT MAY BE PURSUED AND  
9 RECAPTURED AS IF THE PROBATIONER HAD BEEN REGULARLY COMMITTED TO  
10 A CORRECTIONAL FACILITY AND HAD ESCAPED FROM THE CORRECTIONAL  
11 FACILITY. A VIOLATION BY THE PROBATIONER OF THE DEPARTMENT'S  
12 RULES APPLICABLE TO THE ALTERNATIVE CORRECTIONAL FACILITY CONSTI-  
13 TUTES SUFFICIENT GROUNDS FOR THE COURT TO REVOKE ITS PROBATION  
14 ORDER AND TO SENTENCE THE PROBATIONER FOR THE OFFENSE FOR WHICH  
15 THE PROBATIONER WAS ORIGINALLY CONVICTED AND PLACED ON  
16 PROBATION.

17 (3) THIS SECTION DOES NOT RESTRICT OR LIMIT THE JURISDICTION  
18 OF THE COURT TO PLACE A PERSON ON PROBATION IN ANOTHER FACILITY  
19 SUITABLE AND AVAILABLE TO THE COURT. THE EXPENSE OF TRANSPORTING  
20 A PROBATIONER TO AND FROM THE ALTERNATIVE CORRECTIONAL FACILITY  
21 SHALL BE BORNE BY THE COUNTY FROM WHICH THE PROBATIONER WAS COM-  
22 MITTED TO THE DEPARTMENT OF CORRECTIONS.

23 (4) THIS SECTION DOES NOT APPLY TO A PERSON PLACED ON PROBA-  
24 TION PURSUANT TO SECTIONS 1(4) AND 2(3) OF THIS CHAPTER, AND DOES  
25 NOT APPLY TO A JUVENILE PLACED ON PROBATION AND COMMITTED UNDER  
26 SECTION 1(3) OR (4) OF CHAPTER IX TO A STATE INSTITUTION OR  
27 AGENCY DESCRIBED IN THE YOUTH REHABILITATION SERVICES ACT, ACT

1 NO. 150 OF THE PUBLIC ACTS OF 1974, BEING SECTIONS 803.301 TO  
2 803.309 OF THE MICHIGAN COMPILED LAWS.

3 Section 2. This amendatory act shall not take effect unless  
4 Senate Bill No. 177  
5 of the 88th Legislature is enacted into law.