

REPRINT

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4238**

(As Passed the Senate May 23, 2000)

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending sections 1e, 16a, and 27 of chapter IX (MCL 769.1e,  
769.16a, and 769.27), section 1e as added by 1993 PA 360 and sec-  
tion 16a as amended by 1999 PA 87, and by adding section 1h to  
chapter IX.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER IX

1

2       Sec. 1e. (1) If a law of this state requires the court to  
3 deny the issuance of a license to a person, or revoke, suspend,  
4 or restrict the license of a person, for a violation of a crimi-  
5 nal law of this state or a local ordinance substantially corre-  
6 sponding to a criminal law of this state, the court shall impose  
7 the licensing sanctions as provided by law for the violation.

1       (2) The licensing sanctions referred to in subsection (1)  
2 include, but are not limited to, ~~both of the following: (a)~~  
3 ~~The~~ THE licensing sanctions required under section 7408a of the  
4 public health code, ~~Act No. 368 of the Public Acts of 1978,~~  
5 ~~being section 333.7408a of the Michigan Compiled Laws~~ 1978 PA  
6 368, MCL 333.7408A.

7       ~~(b) The licensing sanctions required under section 625b of~~  
8 ~~the Michigan vehicle code, Act No. 300 of the Public Acts of~~  
9 ~~1949, being section 257.625b of the Michigan Compiled Laws.~~

10       (3) A court shall report a finding made by a jury or the  
11 court to the secretary of state as required under section 625 of  
12 ~~Act No. 300 of the Public Acts of 1949, being section 257.625 of~~  
13 ~~the Michigan Compiled Laws~~ THE MICHIGAN VEHICLE, CODE, 1949 PA  
14 300, MCL 257.625.

15       (4) As used in this section, "license" means that term as  
16 defined in section 25 of ~~Act No. 300 of the Public Acts of 1949,~~  
17 ~~being section 257.25 of the Michigan Compiled Laws~~ THE MICHIGAN  
18 VEHICLE CODE, 1949 PA 300, MCL 257.25.

19       SEC. 1H. (1) A JUDGMENT OF SENTENCE COMMITTING AN INDIVID-  
20 UAL TO THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS SHALL  
21 SPECIFY WHETHER THE SENTENCE IS TO RUN CONSECUTIVELY TO OR CON-  
22 CURRENTLY WITH ANY OTHER SENTENCE THE DEFENDANT IS OR WILL BE  
23 SERVING, AS PROVIDED BY LAW.

24       (2) UPON SENTENCING A DEFENDANT, THE COURT SHALL PROVIDE A  
25 COPY OF THE JUDGMENT OF SENTENCE TO THE PROSECUTING ATTORNEY, THE  
26 DEFENDANT, AND THE DEFENDANT'S COUNSEL.

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1 (3) THE PROSECUTING ATTORNEY OR THE DEFENDANT'S COUNSEL, OR  
2 THE DEFENDANT IF HE OR SHE IS NOT REPRESENTED, MAY FILE AN  
3 OBJECTION TO THE JUDGMENT OF SENTENCE [ON THE ISSUE OF WHETHER THE  
SENTENCE IS TO RUN CONSECUTIVELY TO OR CONCURRENT WITH ANY OTHER  
SENTENCE THE DEFENDANT IS OR WILL BE SERVING]. THE COURT SHALL  
PROMPTLY  
4 HOLD A HEARING ON ANY OBJECTION FILED. THE PROCEDURE FOR REVIEW-  
5 ING A JUDGMENT OF SENTENCE PROVIDED IN THIS SUBSECTION IS IN  
6 ADDITION TO ANY OTHER REVIEW PROCEDURE AUTHORIZED BY STATUTE OR  
7 COURT RULE.

8 Sec. 16a. (1) Except as otherwise provided in subsection  
9 (3), upon final disposition of an original charge against a  
10 person of a felony or a misdemeanor ~~punishable by imprisonment~~  
11 ~~for more than 92 days~~ FOR WHICH THE MAXIMUM POSSIBLE PENALTY  
12 EXCEEDS 92 DAYS' IMPRISONMENT OR A LOCAL ORDINANCE FOR WHICH THE  
13 MAXIMUM POSSIBLE PENALTY IS 93 DAYS' IMPRISONMENT AND THAT SUB-  
14 STANTIALLY CORRESPONDS TO A VIOLATION OF STATE LAW THAT IS A MIS-  
15 DEMEANOR FOR WHICH THE MAXIMUM POSSIBLE PENALTY IS 93 DAYS'  
16 IMPRISONMENT, the clerk of the court entering the disposition  
17 shall immediately advise the department of state police of the  
18 final disposition of the charge on forms approved by the state  
19 court administrator AND IN A MANNER CONSISTENT WITH SECTION 3 OF  
20 1925 PA 289, MCL 28.243. The report to the department of state  
21 police shall include information as to the finding of the judge  
22 or jury, including a finding of guilty, guilty but mentally ill,  
23 not guilty, or not guilty by reason of insanity, or the person's  
24 plea of guilty, nolo contendere, or guilty but mentally ill; if  
25 the person was convicted, the offense of which the person was  
26 convicted; and a summary of any sentence imposed. The summary of  
27 the sentence shall include any probationary term; any minimum,

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1 maximum, or alternative term of imprisonment; the total of all  
2 fines, costs, and restitution ordered; and any modification of  
3 sentence. If the sentence is imposed under any of the following  
4 sections, the report shall so indicate:

5 (a) Section 7411 of the public health code, 1978 PA 368,  
6 MCL 333.7411.

7 (b) Sections 11 to 15 of chapter II.

8 (c) Section 4a of chapter IX.

9 (2) ~~Except as otherwise provided in subsection (3), upon~~  
10 UPON sentencing ~~of~~ a person convicted of a misdemeanor or of a  
11 violation of a local ordinance, ~~substantially corresponding to~~  
12 ~~state law~~ OTHER THAN A MISDEMEANOR OR LOCAL ORDINANCE DESCRIBED  
13 IN SUBSECTION (1), the clerk of the court imposing sentence imme-  
14 diately shall, IF ORDERED BY THE COURT, advise the department of  
15 state police of the conviction on on forms approved by the state  
16 court administrator. ~~The clerk of a court is not required to~~  
17 ~~report a conviction under this subsection if the clerk is~~  
18 ~~required to report the conviction under subsection (1).~~

19 (3) [Except as otherwise provided in subsection (5), the  
20 ] clerk of a court is not required to, ~~and shall not,~~ unless  
21 ordered by ~~a judge of~~ the court, report a conviction [OF A  
MISDEMEANOR OFFENSE IF EITHER OF THE FOLLOWING APPLIES:  
(A) THE CONVICTION IS] FOR A VIO-

22 LATION OF SECTION 904(3)(A) OF THE MICHIGAN VEHICLE CODE, 1949  
23 PA 300, MCL 257.904, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
24 SPONDING TO SECTION 904(3)(A) OF THE MICHIGAN VEHICLE CODE, 1949  
25 PA 300, MCL 257.904. ~~of a misdemeanor offense if either of the~~  
26 ~~following apply:~~

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1       ~~(a) The conviction is under the Michigan vehicle code, 1949~~  
2 ~~PA 300, MCL 257.1 to 257.923, or under a local ordinance~~  
3 ~~substantially corresponding to a provision of that act unless the~~  
4 ~~offense is punishable by imprisonment for more than 92 days or is~~  
5 ~~an offense that would be punishable by more than 92 days as a~~  
6 ~~second conviction.~~

7       [(b) A sentence of imprisonment is not imposed, except as an  
8 alternative sentence, and any fine and costs ordered total less  
9 than \$100.00.]

10       (4) As part of the sentence for a conviction of an offense  
11 described in subsection (2), the court shall order that the fin-  
12 gerprints of the person convicted be taken and forwarded to the  
13 department of state police if fingerprints have not already been  
14 taken.

15       (5) As part of the sentence for a conviction of a listed  
16 offense as defined in section 2 of the sex offenders registration  
17 act, 1994 PA 295, MCL 28.722, the court shall order that the fin-  
18 gerprints of the person convicted be taken and forwarded as pro-  
19 vided in the sex offenders registration act, 1994 PA 295,  
20 MCL 28.721 to 28.732, if fingerprints have not already been taken  
21 and forwarded as provided in that act.

22       (6) Before the expiration of 21 days after the date a person  
23 licensed or registered under article 15 of the public health  
24 code, 1978 PA 368, MCL 333.16101 to 333.18838, is convicted of a  
25 misdemeanor involving the illegal delivery, possession, or use of  
26 alcohol or a controlled substance or a felony, the clerk of the  
27 court entering the conviction shall report the conviction to the

1 department of consumer and industry services. The form of the  
2 report shall be prescribed and furnished by the department of  
3 consumer and industry services.

4       Sec. 27. ~~In the event that~~ IF THE COURT CHANGES any sen-  
5 tence imposed under ~~and by virtue of the provisions of~~ this act  
6 ~~shall be changed~~ in any respect, ~~by the sentencing judge, it~~  
7 ~~shall be the duty of~~ the clerk of the court ~~of said judge to~~  
8 SHALL give written notice of the change to the prosecuting  
9 attorney, THE DEFENDANT, AND THE DEFENDANT'S COUNSEL. ~~In the~~  
10 ~~event that the~~ THE prosecuting attorney, ~~desires to oppose~~ THE  
11 DEFENDANT'S COUNSEL, OR THE DEFENDANT MAY FILE AN OBJECTION TO  
12 the change. ~~, he shall file an application, within 5 days after~~  
13 ~~receiving such notice, and in such a case shall be entitled to be~~  
14 ~~heard in open court upon the merits of the change.~~ THE COURT  
15 SHALL PROMPTLY HOLD A HEARING ON ANY OBJECTION FILED.

      Enacting section 1. This amendatory act takes effect  
October 1, 2000.

16       Enacting section 2. This amendatory act does not take  
17 effect unless House Bill No. 4239 of the 90th Legislature is  
18 enacted into law.