

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 525

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 1g to chapter IX.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

SEC. 1G. (1) AS PART OF THE SENTENCE FOR A CONVICTION FOR
ANY OFFENSE THAT THE COURT DETERMINES WAS DIRECTLY RELATED TO A
RIOT, INCITEMENT TO RIOT, UNLAWFUL ASSEMBLY OR CIVIL DISORDER ON
OR WITHIN 2,500 FEET OF A PUBLIC COMMUNITY COLLEGE, PUBLIC COL-
LEGE, OR PUBLIC UNIVERSITY CAMPUS IN THIS STATE, THE FOLLOWING
APPLY:

(A) THE COURT MAY ORDER THE INDIVIDUAL NOT TO ENTER UPON ANY
PUBLIC COMMUNITY COLLEGE, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY
CAMPUS IN THIS STATE AS FOLLOWS:

1 (i) IF THE OFFENSE IS A FELONY, FOR 2 YEARS FOLLOWING THE
2 IMPOSITION OF SENTENCE OR, IF THE PERSON IS ORDERED IMPRISONED
3 FOR THE VIOLATION, THE COMPLETION OF THE TERM OF IMPRISONMENT.

4 (ii) IF THE OFFENSE IS A MISDEMEANOR, FOR 1 YEAR FOLLOWING
5 THE IMPOSITION OF SENTENCE OR IF THE PERSON IS ORDERED INCARCER-
6 ATED FOR THE VIOLATION, THE COMPLETION OF THE TERM OF
7 INCARCERATION.

8 (B) THE COURT MAY ORDER THE INDIVIDUAL TO REIMBURSE THE
9 PUBLIC COMMUNITY COLLEGE, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY,
10 OR THIS STATE, OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE FOR
11 EXPENSES INCURRED AS A RESULT OF THE RIOT, INCITEMENT TO RIOT,
12 UNLAWFUL ASSEMBLY, OR CIVIL DISORDER. THE AMOUNT SHALL BE REA-
13 SONABLE AND SHALL NOT EXCEED THE INDIVIDUAL'S PRO RATA SHARE OF
14 THE COSTS. REIMBURSEMENT UNDER THIS SECTION SHALL OTHERWISE BE
15 MADE IN THE SAME MANNER AS REIMBURSEMENT IS MADE UNDER SECTION 1F
16 OF THIS CHAPTER.

17 (2) IF THE PROSECUTING ATTORNEY OR THE ATTORNEY FOR A CITY,
18 VILLAGE, OR TOWNSHIP INTENDS TO SEEK AN ORDER UNDER SUBSECTION
19 (1), THE PROSECUTING ATTORNEY OR THE ATTORNEY FOR THAT CITY, VIL-
20 LAGE, OR TOWNSHIP SHALL INCLUDE ON THE COMPLAINT OR INFORMATION
21 THE FOLLOWING STATEMENT:

22 "TAKE NOTICE THAT IF CONVICTED, THE DEFENDANT MAY BE SUBJECT
23 TO THE PROVISIONS OF MCL 769.1G."

24 (3) THE EXISTENCE OF THE FACTS RESULTING IN THE ISSUANCE OF
25 AN ORDER UNDER THIS SECTION SHALL BE DETERMINED BY THE COURT,
26 WITHOUT A JURY, AT SENTENCING OR AT A SEPARATE HEARING FOR THAT
27 PURPOSE BEFORE SENTENCING.

1 (4) IF A COMPLAINT OR AMENDED COMPLAINT IS FILED UNDER THIS
2 SECTION AFTER A PLEA BUT BEFORE SENTENCING, THE DEFENDANT SHALL
3 BE GIVEN AN OPPORTUNITY TO WITHDRAW HIS OR HER PLEA BEFORE
4 SENTENCING.

5 (5) AN ORDER ISSUED UNDER THIS SECTION SHALL NOT APPLY TO
6 ANY OF THE FOLLOWING:

7 (A) ENTERING ONTO A PUBLIC COMMUNITY COLLEGE, PUBLIC COL-
8 LEGE, OR PUBLIC UNIVERSITY CAMPUS TO OBTAIN MEDICAL TREATMENT.

9 (B) TRAVELING ON A PUBLIC HIGHWAY SITUATED ON A PUBLIC COM-
10 MUNITY COLLEGE, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY CAMPUS FOR
11 PURPOSES OF TRAVELING TO A LOCATION OTHER THAN THAT PUBLIC COMMU-
12 NITY COLLEGE, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY.

13 (6) IF THE INDIVIDUAL IS PLACED IN THE JURISDICTION OF THE
14 DEPARTMENT OF CORRECTIONS FOR THE VIOLATION, THE COURT MAY
15 REQUEST THE PAROLE BOARD TO PROHIBIT THE INDIVIDUAL FROM ENTERING
16 ONTO A PUBLIC COMMUNITY COLLEGE, PUBLIC COLLEGE, OR PUBLIC UNI-
17 VERSITY CAMPUS IN THIS STATE FOR 2 YEARS AS PROVIDED IN SUBSEC-
18 TION (1) AS A CONDITION OF PAROLE.

19 (7) AN ORDER IMPOSED UNDER SUBSECTION (1) MAY BE IN ADDITION
20 TO ANY OTHER PENALTY OR CONDITION OF PROBATION IMPOSED FOR THE
21 VIOLATION.

22 (8) THIS SECTION DOES NOT REQUIRE ANY PERSON TO BE CONVICTED
23 OF RIOT, INCITEMENT TO RIOT, UNLAWFUL ASSEMBLY, OR CIVIL
24 DISORDER.

25 (9) AS USED IN THIS SECTION:

SB0525, As Passed House, March 9, 2000

Sub. S.B. 525 (H-2) as amended March 9, 2000

4

1 (A) "CIVIL DISORDER" MEANS CONDUCT PROSCRIBED UNDER SECTION
2 528 OR 528A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.528
3 AND 750.528A.

4 (B) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
5 CHAPTER I.

6 (C) "INCITEMENT TO RIOT" MEANS CONDUCT PROSCRIBED UNDER
7 SECTION 2 OF 1968 PA 302, MCL 752.542.

8 (D) "MISDEMEANOR" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
9 CHAPTER I.

10 (E) "RIOT" MEANS CONDUCT PROSCRIBED UNDER SECTION 1 OF 1968
11 PA 302, MCL 752.541.

12 (F) "UNLAWFUL ASSEMBLY" MEANS CONDUCT PROSCRIBED UNDER
13 SECTION 3 OF 1968 PA 302, MCL 752.543.

14 Enacting section 1. This amendatory act takes effect [June]
15 1, 2000.