

**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:

1 CHAPTER IX

2 SEC. 1G. (1) AS PART OF THE SENTENCE FOR A CONVICTION FOR
3 ANY OFFENSE THAT THE COURT DETERMINES WAS DIRECTLY RELATED TO A
4 RIOT, INCITEMENT TO RIOT, UNLAWFUL ASSEMBLY OR CIVIL DISORDER ON
5 OR WITHIN 2,500 FEET OF A PUBLIC COMMUNITY COLLEGE, PUBLIC COL-
6 LEGE, OR PUBLIC UNIVERSITY CAMPUS, THE COURT SHALL ORDER THE
7 INDIVIDUAL NOT TO ENTER UPON ANY PUBLIC COMMUNITY COLLEGE, PUBLIC
8 COLLEGE, OR PUBLIC UNIVERSITY CAMPUS AS FOLLOWS:

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

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

5 (2) IF THE PROSECUTING ATTORNEY OR THE ATTORNEY FOR A CITY,
6 VILLAGE, OR TOWNSHIP INTENDS TO SEEK AN ORDER UNDER SUBSECTION
7 (1), THE PROSECUTING ATTORNEY OR THE ATTORNEY FOR THAT CITY, VIL-
8 LAGE, OR TOWNSHIP SHALL INCLUDE ON THE COMPLAINT OR INFORMATION
9 THE FOLLOWING STATEMENT:

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

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

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

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

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

24 (B) TRAVELING ON A PUBLIC HIGHWAY SITUATED ON A PUBLIC COM-
25 MUNITY COLLEGE, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY CAMPUS FOR
26 PURPOSES OF TRAVELING TO A LOCATION OTHER THAN THAT PUBLIC
27 COMMUNITY COLLEGE, PUBLIC COLLEGE, OR PUBLIC UNIVERSITY.

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1 (6) IF THE INDIVIDUAL IS PLACED IN THE JURISDICTION OF THE
2 DEPARTMENT OF CORRECTIONS FOR THE VIOLATION, THE COURT SHALL
3 REQUEST THE PAROLE BOARD TO PROHIBIT THE INDIVIDUAL FROM ENTERING
4 ONTO A PUBLIC COMMUNITY COLLEGE, PUBLIC COLLEGE, OR PUBLIC UNI-
5 VERSITY CAMPUS FOR 2 YEARS AS PROVIDED IN SUBSECTION (1) AS A
6 CONDITION OF PAROLE.

7 (7) AN ORDER IMPOSED UNDER SUBSECTION (1) SHALL BE IN ADDI-
8 TION TO ANY OTHER PENALTY OR CONDITION OF PROBATION IMPOSED FOR
9 THE VIOLATION.

10 (8) THIS SECTION DOES NOT REQUIRE ANY PERSON TO BE CONVICTED
11 OF RIOT, INCITEMENT TO RIOT, UNLAWFUL ASSEMBLY, OR CIVIL
12 DISORDER.

13 (9) AS USED IN THIS SECTION:

14 (A) "CIVIL DISORDER" MEANS CONDUCT PROSCRIBED UNDER SECTION
15 528 OR 528A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.528
16 AND 750.528A.

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

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

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

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

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

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1 Enacting section 1. This amendatory act takes effect August
2 15, 1999.