

HOUSE BILL No. 4701

May 18, 1999, Introduced by Reps. Law, Faunce, Sanborn, DeHart, Richner, O'Neil, Julian, Kelly and Shulman and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 4 of chapter XI (MCL 771.4), as amended by
1998 PA 520.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XI

1
2 Sec. 4. (1) It is the intent of the legislature that the
3 granting of probation is a matter of grace conferring no vested
4 right to its continuance. If during the probation period the
5 sentencing court determines that the probationer is likely again
6 to engage in an offensive or criminal course of conduct or that
7 the public good requires revocation of probation, the court may
8 revoke probation. All probation orders are revocable in any
9 manner the court that imposed probation considers applicable
10 either for a violation or attempted violation of a probation

1 condition or for any other type of antisocial conduct or action
2 on the probationer's part for which the court determines that
3 revocation is proper in the public interest.

4 (2) IF, DURING THE PROBATION PERIOD, THE PROBATIONER ENGAGES
5 IN CONDUCT THAT WOULD CONSTITUTE A FELONY, THE PROSECUTING ATTOR-
6 NEY FOR THE COUNTY IN WHICH THE CONDUCT OCCURRED MAY REQUEST A
7 WARRANT FOR THE PROBATION VIOLATION. IF THERE IS PROBABLE CAUSE
8 TO BELIEVE THE PROBATIONER ENGAGED IN THAT CONDUCT, THE COURT
9 SHALL ISSUE THE WARRANT AND SHALL PROMPTLY HOLD HEARINGS ON
10 REVOKING PROBATION. THE PROSECUTING ATTORNEY WHO MADE THE
11 REQUEST SHALL BE A PARTY TO THE PROBATION REVOCATION HEARINGS.

12 (3) Hearings on the revocation shall be summary and informal
13 and not subject to the rules of evidence or of pleadings applica-
14 ble in criminal trials. In its probation order or by general
15 rule, the court may provide for the apprehension, detention, and
16 confinement of a probationer accused of violating a probation
17 condition or conduct inconsistent with the public good. The
18 method of hearing and presentation of charges are within the
19 court's discretion, except that the probationer is entitled to a
20 written copy of the charges constituting the claim that he or she
21 violated probation and to a probation revocation hearing. The
22 court may investigate and enter a disposition of the probationer
23 as the court determines best serves the public interest. If a
24 probation order is revoked, the court may sentence the proba-
25 tioner in the same manner and to the same penalty as the court
26 might have done if the probation order had never been made.

1 (4) This section does not apply to a juvenile placed on
2 probation and committed under section 1(3) or (4) of chapter IX
3 to an institution or agency described in the youth rehabilitation
4 services act, 1974 PA 150, MCL 803.301 to 803.309.