

SUBSTITUTE FOR
SENATE BILL NO. 1141

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIA

SEC. 1. THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE
"PROBATION SWIFT AND SURE SANCTIONS ACT".

SEC. 2. AS USED IN THIS CHAPTER:

(A) "CIRCUIT COURT" INCLUDES A UNIFIED TRIAL COURT HAVING
JURISDICTION OVER PROBATIONERS.

(B) "PROBATIONER" MEANS AN INDIVIDUAL PLACED ON PROBATION FOR
COMMITTING A FELONY.

SEC. 3. IT IS THE INTENT OF THE LEGISLATURE TO CREATE A
VOLUNTARY STATE PROGRAM TO FUND SWIFT AND SURE PROBATION

1 SUPERVISION AT THE LOCAL LEVEL BASED UPON THE IMMEDIATE DETECTION
2 OF PROBATION VIOLATIONS AND PROMPT THE IMPOSITION OF SANCTIONS AND
3 REMEDIES TO ADDRESS THOSE VIOLATIONS. IN FURTHERANCE OF THIS
4 INTENT, THE STATE SWIFT AND SURE SANCTIONS PROGRAM IS CREATED WITH
5 THE FOLLOWING OBJECTIVES:

6 (A) PROBATIONERS ARE TO BE AWARE OF THEIR PROBATION TERMS AS
7 WELL AS THE CONSEQUENCES FOR VIOLATING THE TERMS OF THEIR
8 PROBATION.

9 (B) PROBATIONERS ARE TO BE CLOSELY MONITORED AND EVERY
10 DETECTED VIOLATION IS TO BE PROMPTLY ADDRESSED BY THE COURT.

11 (C) PROBATIONERS ARE TO BE ARRESTED AS SOON AS A VIOLATION HAS
12 BEEN DETECTED AND ARE TO BE PROMPTLY TAKEN BEFORE A JUDGE FOR A
13 HEARING ON THE VIOLATION.

14 (D) PROBATIONERS ARE TO BE SENTENCED WITH PRESCRIBED TERMS OF
15 PROBATION MEETING THE OBJECTIVES OF THIS CHAPTER. CONTINUED
16 VIOLATIONS ARE TO BE ADDRESSED BY INCREASING SANCTIONS AND REMEDIES
17 AS NECESSARY TO ACHIEVE RESULTS.

18 (E) TO THE EXTENT POSSIBLE AND CONSIDERING LOCAL RESOURCES,
19 PROBATIONERS SUBJECT TO SWIFT AND SURE PROBATION UNDER THIS CHAPTER
20 SHALL BE TREATED UNIFORMLY THROUGHOUT THE STATE.

21 SEC. 4. (1) BEGINNING JANUARY 1, 2013, THE STATE COURT
22 ADMINISTRATIVE OFFICE SHALL, UNDER THE SUPERVISION OF THE SUPREME
23 COURT, PROVIDE GRANTS UNDER THIS CHAPTER TO FUND PROGRAMS OF SWIFT
24 AND SURE PROBATION SUPERVISION IN THE CIRCUIT COURT THAT MEET THE
25 OBJECTIVES SET FORTH IN SECTION 3 AND THE REQUIREMENTS OF SECTION
26 5.

27 (2) A COURT MAY APPLY FOR A GRANT TO FUND A PROGRAM OF SWIFT

1 AND SURE PROBATION SUPERVISION UNDER THIS CHAPTER BY FILING A
2 WRITTEN APPLICATION WITH THE STATE COURT ADMINISTRATIVE OFFICE IN
3 THE MANNER REQUIRED BY THAT OFFICE. THE FUNDING OF ALL GRANTS UNDER
4 THIS CHAPTER IS SUBJECT TO APPROPRIATION.

5 SEC. 5. (1) A PROGRAM OF SWIFT AND SURE PROBATION SUPERVISION
6 FUNDED UNDER SECTION 4 SHALL DO ALL OF THE FOLLOWING:

7 (A) REQUIRE THE COURT TO INFORM THE PROBATIONER IN PERSON OF
8 THE REQUIREMENTS OF HIS OR HER PROBATION AND THE SANCTIONS AND
9 REMEDIES THAT MAY APPLY TO PROBATION VIOLATIONS.

10 (B) REQUIRE THE PROBATIONER TO INITIALLY MEET IN PERSON WITH A
11 PROBATION AGENT OR PROBATION OFFICER AND AS OTHERWISE REQUIRED BY
12 THE COURT.

13 (C) PROVIDE FOR THE JUDICIAL REVIEW OF ANY PROBATION VIOLATION
14 AS SOON AS POSSIBLE BUT WITHIN 72 HOURS AFTER THE VIOLATION IS
15 REPORTED TO THE COURT UNLESS A DEPARTURE FROM THE 72-HOUR
16 REQUIREMENT IS AUTHORIZED FOR GOOD CAUSE AS DETERMINED BY CRITERIA
17 ESTABLISHED BY THE STATE COURT ADMINISTRATIVE OFFICE.

18 (D) PROVIDE FOR THE IMMEDIATE IMPOSITION OF SANCTIONS AND
19 REMEDIES APPROVED BY THE STATE COURT ADMINISTRATIVE OFFICE TO
20 EFFECTIVELY ADDRESS PROBATION VIOLATIONS. THE SANCTIONS AND
21 REMEDIES APPROVED UNDER THIS SUBDIVISION MAY INCLUDE, BUT NEED NOT
22 BE LIMITED TO, 1 OR MORE OF THE FOLLOWING:

23 (i) TEMPORARY INCARCERATION IN A JAIL OR OTHER FACILITY
24 AUTHORIZED BY LAW TO HOLD PROBATION VIOLATORS.

25 (ii) EXTENSION OF THE PERIOD OF SUPERVISION WITHIN THE PERIOD
26 PROVIDED BY LAW.

27 (iii) ADDITIONAL REPORTING AND COMPLIANCE REQUIREMENTS.

1 (iv) TESTING FOR THE USE OF DRUGS AND ALCOHOL.

2 (v) COUNSELING AND TREATMENT FOR EMOTIONAL OR OTHER MENTAL
3 HEALTH PROBLEMS, INCLUDING FOR SUBSTANCE ABUSE.

4 (vi) PROBATION REVOCATION.

5 (2) THE STATE COURT ADMINISTRATIVE OFFICE MAY, UNDER THE
6 SUPERVISION OF THE SUPREME COURT, DO ANY OF THE FOLLOWING REGARDING
7 PROGRAMS FUNDED UNDER THIS CHAPTER:

8 (A) ESTABLISH GENERAL ELIGIBILITY REQUIREMENTS FOR OFFENDER
9 PARTICIPATION.

10 (B) REQUIRE COURTS AND OFFENDERS TO ENTER INTO WRITTEN
11 PARTICIPATION AGREEMENTS.

12 (C) CREATE RECOMMENDED AND MANDATORY SANCTIONS AND REMEDIES
13 FOR USE BY PARTICIPATING COURTS.

14 (D) ESTABLISH CRITERIA FOR DEVIATING FROM RECOMMENDED AND
15 MANDATORY SANCTIONS AND REMEDIES WHEN NECESSARY TO ADDRESS SPECIAL
16 CIRCUMSTANCES.

17 (E) ESTABLISH A SYSTEM FOR DETERMINING SANCTIONS AND REMEDIES
18 THAT SHOULD OR MAY BE IMPOSED UNDER SUBDIVISION (C) AND FOR
19 ALTERNATIVE SANCTIONS AND REMEDIES UNDER SUBDIVISION (D).

20 SEC. 6. THE STATE COURT ADMINISTRATIVE OFFICE MAY, UNDER THE
21 SUPERVISION OF THE SUPREME COURT, CONSULT WITH THE DEPARTMENT OF
22 CORRECTIONS WHEN ESTABLISHING INITIAL PROGRAMMING AND ELIGIBILITY
23 REQUIREMENTS UNDER THIS CHAPTER.

24 SEC. 7. THE STATE COURT ADMINISTRATIVE OFFICE SHALL, UNDER THE
25 SUPERVISION OF THE SUPREME COURT, REVIEW PROGRAMS FUNDED BY GRANTS
26 UNDER THIS CHAPTER ON AN ANNUAL BASIS FOR EFFECTIVENESS AND FOR
27 COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER. THE STATE COURT

1 ADMINISTRATIVE OFFICE SHALL, UNDER THE SUPERVISION OF THE SUPREME
2 COURT, REPORT ITS FINDINGS UNDER THIS SECTION IN WRITING TO THE
3 SECRETARY OF THE SENATE AND TO THE CLERK OF THE HOUSE OF
4 REPRESENTATIVES NOT LATER THAN MARCH 1, 2013, AND NOT LATER THAN
5 MARCH 1 ANNUALLY THEREAFTER. THE REPORT SHALL ALSO IDENTIFY EACH
6 COURT THAT HAS APPLIED FOR A GRANT UNDER THIS CHAPTER, THE AMOUNT
7 REQUESTED, AND THE AMOUNT RECEIVED.

8 SEC. 8. PROGRAMS FUNDED UNDER THIS CHAPTER SHALL BE SUBJECT TO
9 AUDIT AS PROVIDED BY LAW.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. 1179 of the 96th Legislature is enacted into
12 law.