

# HOUSE BILL No. 4711

June 11, 2015, Introduced by Rep. Webber and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 5 of chapter IX (MCL 769.5); and to repeal acts  
and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER IX

Sec. 5. (1) ~~Whenever it is provided~~ **IF A STATUTE PROVIDES** that  
an ~~offender shall be punished~~ **OFFENSE IS PUNISHABLE** by imprisonment  
and a fine, ~~such offender may at the discretion of the court , be~~  
~~sentenced to be punished by such~~ **MAY IMPOSE** imprisonment without  
the fine or ~~by such~~ **THE** fine without the imprisonment. ~~and~~  
~~whenever it is provided~~

(2) **IF A STATUTE PROVIDES** that an offense ~~shall be punished~~ **IS**  
**PUNISHABLE** by fine or imprisonment, the court may impose both ~~such~~  
**THE** fine and imprisonment in its discretion. ~~If the court shall~~

~~impose both a fine, costs and imprisonment in any state prison or reformatory the offender shall be detained in said prison or reformatory until said fine and costs are paid, not exceeding however, the additional time expressed in said sentence for the non payment of the same.~~

Enacting section 1. All of the following acts and parts of acts are repealed:

(a) Section 2 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.2.

(b) 1933 PA 217, MCL 752.131 to 752.132.

(c) Section 9 of 1846 RS 171, MCL 801.9

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.