

HOUSE BILL No. 4169

February 10, 2015, Introduced by Reps. Hovey-Wright, Santana, Heise, Plawecki, Townsend, Greig, Robinson, Dillon, Gay-Dagnogo, Irwin, LaVoy, Garrett, Rutledge, Banks, Lucido and Geiss and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter II (MCL 762.13), as amended by 2004 PA 239.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER II

Sec. 13. (1) If an individual is assigned to the status of a youthful trainee and the underlying charge is an offense punishable by imprisonment for a term of more than 1 year, the court shall do 1 of the following:

~~— (a) Commit the individual to the department of corrections for custodial supervision and training for not more than 3 years in an institutional facility designated by the department for that purpose.~~

(A) ~~(b)~~ Place the individual on probation for not more than

1 3 years subject to probation conditions as provided in section 3
2 of chapter XI. ~~Beginning January 1, 2005, the~~ **THE** terms and
3 conditions of probation may include participation in a drug
4 treatment court under chapter 10A of the revised judicature act
5 of 1961, 1961 PA 236, MCL 600.1060 to ~~600.1082~~ **600.1084**.

6 (B) ~~(e)~~ Commit the individual to the county jail for not
7 more than 1 year.

8 (2) If an individual is assigned to the status of youthful
9 trainee and the underlying charge is for an offense punishable by
10 imprisonment for 1 year or less, the court shall place the
11 individual on probation for not more than 2 years, subject to
12 probation conditions as provided in section 3 of chapter XI.

13 (3) An individual placed on probation ~~pursuant to~~ **UNDER** this
14 section shall be under the supervision of a probation officer.
15 Upon commitment to and receipt by the department of corrections,
16 a youthful trainee shall be subject to the direction of the
17 department of corrections.

18 (4) If an individual is committed to the county jail under
19 subsection ~~(1)(e)~~ **(1)(B)** or as a probation condition, the court
20 may authorize work release or release for educational purposes.

21 (5) The court shall include in each order of probation for
22 an individual placed on probation under this section that the
23 department of corrections shall collect a probation supervision
24 fee of not more than \$135.00 multiplied by the number of months
25 of probation ordered, but not more than 36 months. The fee is
26 payable when the probation order is entered, but the fee may be
27 paid in monthly installments if the court approves installment

1 payments for that probationer. In determining the amount of the
 2 fee, the court shall consider the probationer's projected income
 3 and financial resources. The court shall use the following table
 4 of projected monthly income in determining the amount of the fee
 5 to be ordered:

6	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
7	\$ 0-249.99	\$ 0.00
8	\$ 250.00-499.99	\$10.00
9	\$ 500.00-749.99	\$25.00
10	\$ 750.00-999.99	\$40.00
11	\$1,000.00 or more	5% of projected monthly
12		income, but not more than
13		\$135.00

14 The court may order a higher amount than indicated by the
 15 table, up to the maximum of \$135.00 multiplied by the number of
 16 months of probation ordered but not more than 36 months, if the
 17 court determines that the probationer has sufficient assets or
 18 other financial resources to warrant the higher amount. If the
 19 court orders a higher amount, the amount and the reasons for
 20 ordering that amount shall be stated in the court order. The fee
 21 shall be collected as provided in section 25a of the corrections
 22 code of 1953, 1953 PA 232, MCL 791.225a. A person shall not be
 23 subject to more than 1 supervision fee at the same time. If a
 24 supervision fee is ordered for a person for any month or months
 25 during which that person already is subject to a supervision fee,
 26 the court shall waive the fee having the shorter remaining

1 duration.

2 ~~—— (6) If the individual is assigned to youthful trainee status~~
3 ~~before October 1, 2004 for a listed offense enumerated in section~~
4 ~~2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,~~
5 ~~the department of corrections, sheriff or his or her designee, or~~
6 ~~the individual's probation officer shall register the individual~~
7 ~~or accept the individual's registration as provided under that~~
8 ~~act.~~