

# 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

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

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

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

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7 acts are repealed:

8 (a) Section 2 of chapter IX of the code of criminal procedure,  
9 1927 PA 175, MCL 769.2.

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

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

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