

SENATE BILL No. 934

May 3, 2016, Introduced by Senators JONES, PROOS, HORN, SHIRKEY, GREGORY, WARREN, BRANDENBURG, GREEN and KNOLLENBERG and referred to the Committee on Michigan Competitiveness.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 2 of chapter XI (MCL 771.2), as amended by 2010
PA 351.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XI

Sec. 2. (1) Except as provided in section 2a of this chapter
AND SECTION 36 OF CHAPTER VIII, if the defendant is convicted for
an offense that is not a felony, the probation period shall not
exceed 2 years. Except as provided in section 2a of this chapter
AND SECTION 36 OF CHAPTER VIII, if the defendant is convicted of a
felony, the probation period shall not exceed 5 years.

(2) **EXCEPT AS PROVIDED IN SECTION 2A OF THIS CHAPTER AND
SECTION 36 OF CHAPTER VIII, AFTER THE DEFENDANT HAS COMPLETED 1/2
OF THE ORIGINAL FELONY PROBATION PERIOD OF HIS OR HER FELONY**

PROBATION, THE DEPARTMENT SHALL NOTIFY THE SENTENCING COURT. IF, AFTER REVIEW OF THE CASE AND THE DEFENDANT'S CONDUCT WHILE ON PROBATION, THE COURT DETERMINES THAT THE DEFENDANT'S BEHAVIOR WARRANTS A REDUCTION IN THE PROBATIONARY TERM, THE COURT MAY REDUCE THAT TERM BY 100% OR LESS, IF THE REDUCTION IS RECOMMENDED BY THE PROBATION OFFICER IN THE CASE. NOT LESS THAN 10 DAYS BEFORE REDUCING OR TERMINATING A PERIOD OF PROBATION OR CONDUCTING A REVIEW UNDER THIS SECTION, THE COURT SHALL NOTIFY THE PROSECUTING ATTORNEY, THE DEFENDANT OR, IF THE DEFENDANT HAS AN ATTORNEY, THE DEFENDANT'S ATTORNEY, AND AS REQUIRED UNDER SECTIONS 18B AND 77B OF THE WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.768B AND 780.827B, THE VICTIM. THE DEPARTMENT OF CORRECTIONS SHALL REPORT, NO LATER THAN DECEMBER 31 OF EACH YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, TO THE COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES CONCERNING THE JUDICIARY OR CRIMINAL JUSTICE THE NUMBER OF PROBATIONERS WHOSE TERMS OF PROBATION WERE REDUCED UNDER THIS SUBSECTION AND THE OVERALL REDUCTION OF DAYS SUPERVISED DURING THE PRECEDING YEAR. AS USED IN THIS SUBSECTION, "ASSAULTIVE CRIME" MEANS THAT TERM AS DEFINED IN SECTION 9A OF CHAPTER X.

(3) ~~(2)~~—The court shall, by order ~~to be filed or entered in~~ the ~~cause~~—CASE as the court ~~may direct~~—DIRECTS by general rule or in each case, fix and determine the period and conditions of probation. The order is part of the record in the ~~cause~~—CASE. The court may amend the order in form or substance at any time. IF THE COURT REDUCES A DEFENDANT'S PROBATIONARY TERM UNDER SUBSECTION (2), THE PERIOD BY WHICH THAT TERM WAS REDUCED SHALL BE REPORTED TO THE

1 **DEPARTMENT OF CORRECTIONS.**

2 (4) ~~(3)~~—A defendant who was placed on probation under section
3 1(4) of this chapter as it existed before March 1, 2003 for an
4 offense committed before March 1, 2003 is subject to the conditions
5 of probation specified in section 3 of this chapter, including
6 payment of a probation supervision fee as prescribed in section 3c
7 of this chapter, and to revocation for violation of these
8 conditions, but the probation period shall not be reduced other
9 than by a revocation that results in imprisonment or as otherwise
10 provided by law.

11 (5) ~~(4)~~—If an individual is placed on probation for a listed
12 offense ~~enumerated~~ **AS THAT TERM IS DEFINED** in section 2 of the sex
13 offenders registration act, 1994 PA 295, MCL 28.722, the
14 individual's probation officer shall register the individual or
15 accept the individual's registration as provided in that act.

16 (6) ~~(5)~~—Subsection (1) does not apply to a juvenile placed on
17 probation and committed under section 1(3) or (4) of chapter IX to
18 an institution or agency described in the youth rehabilitation
19 services act, 1974 PA 150, MCL 803.301 to 803.309.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.