

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 13

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 4b to chapter XI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XI

1
2 SEC. 4B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
3 BEGINNING ON JANUARY 1, 2018, A PROBATIONER WHO COMMITS A TECHNICAL
4 PROBATION VIOLATION AND IS SENTENCED TO TEMPORARY INCARCERATION IN
5 A STATE OR LOCAL CORRECTIONAL OR DETENTION FACILITY MAY BE
6 INCARCERATED FOR A MAXIMUM OF 30 DAYS FOR EACH TECHNICAL VIOLATION.
7 A PROBATIONER MUST NOT BE GIVEN CREDIT FOR ANY TIME SERVED ON A
8 PREVIOUS TECHNICAL VIOLATION. AFTER A PROBATIONER SERVES THE PERIOD
9 OF TEMPORARY INCARCERATION UNDER THIS SECTION, HE OR SHE MAY BE
10 RETURNED TO PROBATION UNDER THE TERMS OF HIS OR HER ORIGINAL

1 PROBATION ORDER OR UNDER A NEW PROBATION ORDER AT THE DISCRETION OF
2 THE COURT.

3 (2) THE LIMIT ON TEMPORARY INCARCERATION UNDER SUBSECTION (1)
4 DOES NOT APPLY TO A PROBATIONER WHO HAS COMMITTED 3 OR MORE
5 TECHNICAL PROBATION VIOLATIONS DURING THE COURSE OF HIS OR HER
6 PROBATION.

7 (3) THE COURT MAY EXTEND THE PERIOD OF TEMPORARY INCARCERATION
8 UNDER SUBSECTION (1) TO NOT MORE THAN 90 DAYS IF A PROBATIONER HAS
9 BEEN ORDERED TO ATTEND A TREATMENT PROGRAM AS PART OF HIS OR HER
10 PROBATION BUT FOR WHICH A TREATMENT BED IS NOT CURRENTLY AVAILABLE;
11 HOWEVER, THE PERIOD OF TEMPORARY INCARCERATION IMPOSED UNDER
12 SUBSECTION (1) MUST NOT EXTEND BEYOND 90 DAYS.

13 (4) THIS SECTION DOES NOT PROHIBIT THE COURT FROM REVOKING A
14 PROBATIONER'S PROBATION AND SENTENCING THE PROBATIONER UNDER
15 SECTION 4 FOR A PROBATION VIOLATION, INCLUDING, BUT NOT LIMITED TO,
16 A TECHNICAL PROBATION VIOLATION AT ANY TIME DURING THE COURSE OF
17 PROBATION.

18 (5) IF MORE THAN 1 TECHNICAL PROBATION VIOLATION ARISES OUT OF
19 THE SAME TRANSACTION, THE COURT SHALL TREAT THE TECHNICAL PROBATION
20 VIOLATIONS AS A SINGLE TECHNICAL PROBATION VIOLATION FOR PURPOSES
21 OF THIS SECTION.

22 (6) SUBSECTION (1) DOES NOT APPLY TO A PROBATIONER WHO IS ON
23 PROBATION FOR A DOMESTIC VIOLENCE VIOLATION OF SECTION 81 OR 81A,
24 OR A VIOLATION OF SECTION 411H OR 411I OF THE MICHIGAN PENAL CODE,
25 1931 PA 328, MCL 750.81, 750.81A, 750.411H, AND 750.411I.

26 (7) AS USED IN THIS SECTION, "TECHNICAL PROBATION VIOLATION"
27 MEANS A VIOLATION OF THE TERMS OF A PROBATIONER'S PROBATION ORDER

1 THAT IS NOT A VIOLATION OF AN ORDER OF THE COURT REQUIRING THAT THE
2 PROBATIONER HAVE NO CONTACT WITH A NAMED INDIVIDUAL OR THAT IS NOT
3 A VIOLATION OF A LAW OF THIS STATE, A POLITICAL SUBDIVISION OF THIS
4 STATE, ANOTHER STATE, OR THE UNITED STATES OR OF TRIBAL LAW, AND
5 DOES NOT INCLUDE THE CONSUMPTION OF ALCOHOL BY A PROBATIONER WHO IS
6 ON PROBATION FOR A FELONY VIOLATION OF SECTION 625 OF THE MICHIGAN
7 VEHICLE CODE, 1949 PA 300, MCL 257.625.

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