

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 15

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:

1 CHAPTER XI

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

8 (2) **EXCEPT AS PROVIDED IN SUBSECTION (4), SECTION 2A OF THIS**
9 **CHAPTER, AND SECTION 36 OF CHAPTER VIII, AFTER THE DEFENDANT HAS**
10 **COMPLETED 1/2 OF THE ORIGINAL FELONY PROBATION PERIOD OF HIS OR HER**

1 FELONY PROBATION, THE DEPARTMENT OR PROBATION DEPARTMENT MAY NOTIFY
2 THE SENTENCING COURT. IF, AFTER A HEARING TO REVIEW THE CASE AND
3 THE DEFENDANT'S CONDUCT WHILE ON PROBATION, THE COURT DETERMINES
4 THAT THE DEFENDANT'S BEHAVIOR WARRANTS A REDUCTION IN THE
5 PROBATIONARY TERM, THE COURT MAY REDUCE THAT TERM BY 100% OR LESS.
6 THE VICTIM MUST BE NOTIFIED OF THE DATE AND TIME OF THE HEARING AND
7 BE GIVEN AN OPPORTUNITY TO BE HEARD. THE COURT SHALL CONSIDER THE
8 IMPACT ON THE VICTIM AND REPAYMENT OF OUTSTANDING RESTITUTION
9 CAUSED BY REDUCING THE DEFENDANT'S PROBATIONARY TERM. NOT LESS THAN
10 28 DAYS BEFORE REDUCING OR TERMINATING A PERIOD OF PROBATION OR
11 CONDUCTING A REVIEW UNDER THIS SECTION, THE COURT SHALL NOTIFY THE
12 PROSECUTING ATTORNEY, THE DEFENDANT OR, IF THE DEFENDANT HAS AN
13 ATTORNEY, THE DEFENDANT'S ATTORNEY. HOWEVER, THIS SUBSECTION DOES
14 NOT APPLY TO A DEFENDANT WHO IS SUBJECT TO A MANDATORY PROBATION
15 TERM.

16 (3) THE DEPARTMENT OF CORRECTIONS SHALL REPORT, NO LATER THAN
17 DECEMBER 31 OF EACH YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY
18 ACT THAT ADDED THIS SUBSECTION, TO THE COMMITTEES OF THE SENATE AND
19 HOUSE OF REPRESENTATIVES CONCERNING THE JUDICIARY OR CRIMINAL
20 JUSTICE THE NUMBER OF DEFENDANTS REFERRED TO THE COURT FOR A
21 HEARING UNDER SUBSECTION (2). THE STATE COURT ADMINISTRATIVE OFFICE
22 SHALL REPORT, NO LATER THAN DECEMBER 31 OF EACH YEAR AFTER THE
23 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, TO
24 THE COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES
25 CONCERNING THE JUDICIARY THE NUMBER OF PROBATIONERS WHO WERE
26 RELEASED EARLY FROM PROBATION UNDER SUBSECTION (2).

27 (4) A DEFENDANT WHO WAS CONVICTED OF 1 OR MORE OF THE

1 FOLLOWING CRIMES IS NOT ELIGIBLE FOR REDUCED PROBATION UNDER
2 SUBSECTION (2) :

3 (A) A VIOLATION OF SECTION 81(5) OF THE MICHIGAN PENAL CODE,
4 1931 PA 328, MCL 750.81.

5 (B) A VIOLATION OF SECTION 84 OF THE MICHIGAN PENAL CODE, 1931
6 PA 328, MCL 750.84.

7 (C) A VIOLATION OF SECTION 520C OF THE MICHIGAN PENAL CODE,
8 1931 PA 328, MCL 750.520C.

9 (D) A VIOLATION OF SECTION 520E OF THE MICHIGAN PENAL CODE,
10 1931 PA 328, MCL 750.520E.

11 (5) ~~(2)~~ The court shall, by order ~~, to be filed or entered in~~
12 ~~the cause~~ **CASE** as the court ~~may direct~~ **DIRECTS** by general rule or
13 in each case, fix and determine the period and conditions of
14 probation. The order is part of the record in the ~~cause~~. **CASE**. The
15 court may amend the order in form or substance at any time. **IF THE**
16 **COURT REDUCES A DEFENDANT'S PROBATIONARY TERM UNDER SUBSECTION (2) ,**
17 **THE PERIOD BY WHICH THAT TERM WAS REDUCED MUST BE REPORTED TO THE**
18 **DEPARTMENT OF CORRECTIONS.**

19 (6) ~~(3)~~ A defendant who was placed on probation under section
20 1(4) of this chapter as it existed before March 1, 2003 for an
21 offense committed before March 1, 2003 is subject to the conditions
22 of probation specified in section 3 of this chapter, including
23 payment of a probation supervision fee as prescribed in section 3c
24 of this chapter, and to revocation for violation of these
25 conditions, but the probation period ~~shall~~ **MUST** not be reduced
26 other than by a revocation that results in imprisonment or as
27 otherwise provided by law.

1 (7) ~~(4)~~—If an individual is placed on probation for a listed
2 offense ~~enumerated~~ **AS THAT TERM IS DEFINED** in section 2 of the sex
3 offenders registration act, 1994 PA 295, MCL 28.722, the
4 individual's probation officer shall register the individual or
5 accept the individual's registration as provided in that act.

6 (8) ~~(5)~~—Subsection (1) does not apply to a juvenile placed on
7 probation and committed under section 1(3) or (4) of chapter IX to
8 an institution or agency described in the youth rehabilitation
9 services act, 1974 PA 150, MCL 803.301 to 803.309.

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