

SENATE BILL No. 13

January 18, 2017, Introduced by Senators PROOS, O'BRIEN, COLBECK, KNOLLENBERG, BOOHER, JONES, HORN, SCHUITMAKER, BRANDENBURG, HANSEN, KOWALL, GREGORY, JOHNSON and WARREN and referred to the Committee on Michigan Competitiveness.

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

SEC. 4B. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), BEGINNING
ON JANUARY 1, 2018, A PROBATIONER WHO COMMITS A TECHNICAL PROBATION
VIOLATION AND IS SENTENCED TO TEMPORARY INCARCERATION IN A STATE OR
LOCAL CORRECTIONAL OR DETENTION FACILITY MAY BE INCARCERATED FOR NO
MORE THAN 30 DAYS. AFTER A PROBATIONER SERVES THE PERIOD OF
TEMPORARY INCARCERATION UNDER THIS SUBSECTION, HE OR SHE MAY BE
RETURNED TO PROBATION UNDER THE TERMS OF HIS OR HER ORIGINAL
PROBATION ORDER OR UNDER A NEW PROBATION ORDER AT THE DISCRETION OF
THE COURT.

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

4 (3) THIS SECTION DOES NOT PROHIBIT THE COURT FROM REVOKING A
5 PROBATIONER'S PROBATION AND SENTENCING THE PROBATIONER UNDER
6 SECTION 4 FOR A PROBATION VIOLATION, INCLUDING, BUT NOT LIMITED TO,
7 A TECHNICAL PROBATION VIOLATION AT ANY TIME DURING THE COURSE OF
8 PROBATION.

9 (4) AS USED IN THIS SECTION, "TECHNICAL PROBATION VIOLATION"
10 MEANS A VIOLATION OF THE TERMS OF A PROBATIONER'S PROBATION ORDER
11 THAT IS NOT IN AND OF ITSELF A VIOLATION OF A LAW OF THIS STATE, A
12 POLITICAL SUBDIVISION OF THIS STATE, ANOTHER STATE, OR THE UNITED
13 STATES OR OF TRIBAL LAW.

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