

SENATE BILL No. 15

January 18, 2017, Introduced by Senators JONES, O'BRIEN, PROOS, COLBECK, KNOLLENBERG, BOOHER, 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,"
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~~
OF 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

1 OF THE ORIGINAL FELONY PROBATION PERIOD OF HIS OR HER FELONY
2 PROBATION, THE DEPARTMENT MAY NOTIFY THE SENTENCING COURT. IF,
3 AFTER A HEARING TO REVIEW THE CASE AND THE DEFENDANT'S CONDUCT
4 WHILE ON PROBATION, THE COURT DETERMINES THAT THE DEFENDANT'S
5 BEHAVIOR WARRANTS A REDUCTION IN THE PROBATIONARY TERM, THE COURT
6 MAY REDUCE THAT TERM BY 100% OR LESS, IF THE REDUCTION IS
7 RECOMMENDED BY THE PROBATION OFFICER IN THE CASE. THE VICTIM MUST
8 BE NOTIFIED OF THE DATE AND TIME OF THE HEARING IN THE SAME MANNER
9 AS DESCRIBED IN SUBSECTION (3) AND BE GIVEN AN OPPORTUNITY TO BE
10 HEARD. THE COURT SHALL CONSIDER THE IMPACT ON THE VICTIM CAUSED BY
11 REDUCING THE DEFENDANT'S PROBATIONARY TERM. NOT LESS THAN 28 DAYS
12 BEFORE REDUCING OR TERMINATING A PERIOD OF PROBATION OR CONDUCTING
13 A REVIEW UNDER THIS SECTION, THE COURT SHALL NOTIFY THE PROSECUTING
14 ATTORNEY, THE DEFENDANT OR, IF THE DEFENDANT HAS AN ATTORNEY, THE
15 DEFENDANT'S ATTORNEY, AND THE DEPARTMENT OF CORRECTIONS SHALL
16 NOTIFY THE VICTIM AT THE VICTIM'S LAST KNOWN ADDRESS.

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

1 WHO WERE RELEASED EARLY FROM PROBATION UNDER THIS SUBSECTION.

2 (4) ~~(2)~~—The court shall, by order ~~to be filed or entered in~~
3 the ~~cause~~—**CASE** as the court ~~may direct~~—**DIRECTS** by general rule or
4 in each case, fix and determine the period and conditions of
5 probation. The order is part of the record in the ~~cause~~—**CASE**. The
6 court may amend the order in form or substance at any time. **IF THE**
7 **COURT REDUCES A DEFENDANT'S PROBATIONARY TERM UNDER SUBSECTION (2),**
8 **THE PERIOD BY WHICH THAT TERM WAS REDUCED MUST BE REPORTED TO THE**
9 **DEPARTMENT OF CORRECTIONS.**

10 (5) ~~(3)~~—A defendant who was placed on probation under section
11 1(4) of this chapter as it existed before March 1, 2003 for an
12 offense committed before March 1, 2003 is subject to the conditions
13 of probation specified in section 3 of this chapter, including
14 payment of a probation supervision fee as prescribed in section 3c
15 of this chapter, and to revocation for violation of these
16 conditions, but the probation period ~~shall~~—**MUST** not be reduced
17 other than by a revocation that results in imprisonment or as
18 otherwise provided by law.

19 (6) ~~(4)~~—If an individual is placed on probation for a listed
20 offense ~~enumerated~~—**AS THAT TERM IS DEFINED** in section 2 of the sex
21 offenders registration act, 1994 PA 295, MCL 28.722, the
22 individual's probation officer shall register the individual or
23 accept the individual's registration as provided in that act.

24 (7) ~~(5)~~—Subsection (1) does not apply to a juvenile placed on
25 probation and committed under section 1(3) or (4) of chapter IX to
26 an institution or agency described in the youth rehabilitation
27 services act, 1974 PA 150, MCL 803.301 to 803.309.

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