

Act No. 9
Public Acts of 2017
Approved by the Governor
March 30, 2017
Filed with the Secretary of State
March 31, 2017
EFFECTIVE DATE: June 29, 2017

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Senators Proos, O'Brien, Colbeck, Knollenberg, Booher, Jones, Horn, Schuitmaker, Brandenburg, Hansen, Kowall, Gregory, Johnson and Warren

ENROLLED SENATE BILL No. 13

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," (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 otherwise provided in this section, 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 a maximum of 30 days for each technical violation. A probationer must not be given credit for any time served on a previous technical violation. After a probationer serves the period of temporary incarceration under this section, 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.

(2) The limit on temporary incarceration under subsection (1) does not apply to a probationer who has committed 3 or more technical probation violations during the course of his or her probation.

(3) The court may extend the period of temporary incarceration under subsection (1) to not more than 90 days if a probationer has been ordered to attend a treatment program as part of his or her probation but for which a treatment bed is not currently available; however, the period of temporary incarceration imposed under subsection (1) must not extend beyond 90 days.

(4) This section does not prohibit the court from revoking a probationer's probation and sentencing the probationer under section 4 for a probation violation, including, but not limited to, a technical probation violation at any time during the course of probation.

(5) If more than 1 technical probation violation arises out of the same transaction, the court shall treat the technical probation violations as a single technical probation violation for purposes of this section.

(6) Subsection (1) does not apply to a probationer who is on probation for a domestic violence violation of section 81 or 81a, or a violation of section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.411h, and 750.411i.

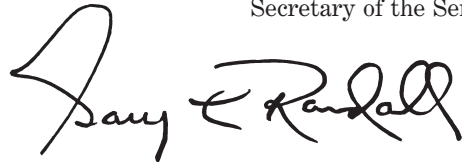
(7) As used in this section, "technical probation violation" means a violation of the terms of a probationer's probation order that is not a violation of an order of the court requiring that the probationer have no contact with a named individual or that is not a violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law, and does not include the consumption of alcohol by a probationer who is on probation for a felony violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor