

Act No. 10
Public Acts of 2017
Approved by the Governor
March 30, 2017
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March 31, 2017
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

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

ENROLLED SENATE BILL No. 15

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," 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 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 subsection (4), section 2a of this chapter, and section 36 of chapter VIII, after the defendant has completed 1/2 of the original felony probation period of his or her felony probation, the department or probation department may notify the sentencing court. If, after a hearing to review the case and the defendant's conduct while on probation, the court determines that the defendant's behavior warrants a reduction in the probationary term, the court may reduce that term by 100% or less. The victim must be notified of the date and time of the hearing and be given an opportunity to be heard. The court shall consider the impact on the victim and repayment of outstanding restitution caused by reducing the defendant's probationary term. Not less than 28 days before reducing or terminating a period of probation or conducting a review under this section, the court shall notify the prosecuting attorney, the defendant or,

if the defendant has an attorney, the defendant's attorney. However, this subsection does not apply to a defendant who is subject to a mandatory probation term.

(3) The department of corrections shall report, no later than December 31 of each year after the effective date of the amendatory act that added this subsection, to the committees of the senate and house of representatives concerning the judiciary or criminal justice the number of defendants referred to the court for a hearing under subsection (2). The state court administrative office shall report, no later than December 31 of each year after the effective date of the amendatory act that added this subsection, to the committees of the senate and house of representatives concerning the judiciary the number of probationers who were released early from probation under subsection (2).

(4) A defendant who was convicted of 1 or more of the following crimes is not eligible for reduced probation under subsection (2):

- (a) A violation of section 81(5) of the Michigan penal code, 1931 PA 328, MCL 750.81.
- (b) A violation of section 84 of the Michigan penal code, 1931 PA 328, MCL 750.84.
- (c) A violation of section 520c of the Michigan penal code, 1931 PA 328, MCL 750.520c.
- (d) A violation of section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e.

(5) The court shall, by order to be entered in the case as the court directs by general rule or in each case, fix and determine the period and conditions of probation. The order is part of the record in the case. The court may amend the order in form or substance at any time. If the court reduces a defendant's probationary term under subsection (2), the period by which that term was reduced must be reported to the department of corrections.

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

(7) If an individual is placed on probation for a listed offense as that term is defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the individual's probation officer shall register the individual or accept the individual's registration as provided in that act.

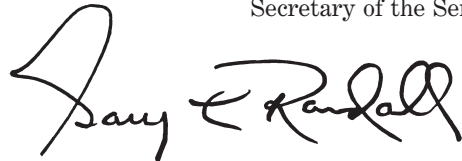
(8) Subsection (1) does not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309.

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