

Act No. 397
Public Acts of 2020
Approved by the Governor
January 4, 2021
Filed with the Secretary of State
January 4, 2021
EFFECTIVE DATE: April 1, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Senators MacDonald, Santana, Chang, Wojno, Bullock, Bayer, Irwin, Alexander, Moss, McMorrow, Geiss, McCann, Brinks, Polehanki, Hertel and Daley

ENROLLED SENATE BILL No. 1050

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 sections 2, 2a, 3, 4, and 4b of chapter XI (MCL 771.2, 771.2a, 771.3, 771.4, and 771.4b), section 2 of chapter XI as amended by 2017 PA 10, section 2a of chapter XI as amended by 2006 PA 507, section 3 of chapter XI as amended by 2012 PA 612, section 4 of chapter XI as amended by 1998 PA 520, and section 4b of chapter XI as added by 2017 PA 9.

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 must 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 must not exceed 3 years. However, the probation term for a felony under this subsection may be extended

not more than 2 times for not more than 1 additional year for each extension if the court finds that there is a specific rehabilitation goal that has not yet been achieved, or a specific, articulable, and ongoing risk of harm to a victim that can be mitigated only with continued probation supervision.

(2) Except as provided in subsection (10), section 2a of this chapter, and section 36 of chapter VIII, after the defendant has completed 1/2 of the original felony or misdemeanor probation period, he or she may be eligible for early discharge as provided in this section. The defendant must be notified at sentencing of his or her eligibility and the requirements for early discharge from probation, and the procedure provided under subsection (3) to notify the court of his or her eligibility.

(3) If a probationer has completed all required programming, the probation department may notify the sentencing court that the probationer may be eligible for early discharge from probation. If the probation department does not notify the sentencing court as required under this subsection and the probationer has not violated probation in the immediately preceding 3 months, the probationer may notify the court that he or she may be eligible for early discharge from probation on a form provided by the state court administrative office. This subsection does not prohibit the court from considering a probationer for early discharge from probation at the court's discretion.

(4) A probationer must not be considered ineligible for early discharge because of an inability to pay for the conditions of his or her probation, or for outstanding court-ordered fines, fees, or costs, so long as the probationer has made good-faith efforts to make payments. However, nothing in this subsection relieves a probationer from his or her court-ordered financial obligations after discharge from probation.

(5) Upon notification as provided under subsection (3), the sentencing court may review the case and the probationer's conduct while on probation to determine whether the probationer's behavior warrants an early discharge. Except as provided in subsection (7), if the court determines that the probationer's behavior warrants a reduction in the probationary term, the court may grant an early discharge from probation without holding a hearing. Before granting early discharge to a probationer who owes outstanding restitution, the court must consider the impact of early discharge on the victim and the payment of outstanding restitution. If a probationer has made a good-faith effort to pay restitution and is otherwise eligible for early discharge, the court may grant early discharge or retain the probationer on probation up to the maximum allowable probation term for the offense, with the sole condition of continuing restitution payments.

(6) If after reviewing the case under subsection (5), the court determines that the probationer's behavior does not warrant an early discharge, the court must conduct a hearing to allow the probationer to present his or her case for an early discharge and find on the record any specific rehabilitation goal that has not yet been achieved or a specific, articulable, and ongoing risk of harm to a victim that can only be mitigated with continued probation supervision.

(7) The sentencing court shall hold a hearing before granting early discharge to a probationer serving a term of probation for a felony offense eligible for early discharge that involves a victim who has requested to receive notice under section 18b, 19, 19a, 20, or 20a of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.768b, 780.769, 780.769a, 780.770, and 780.770a, or for a misdemeanor violation of section 81, 81a, or 136b of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.136b, that is eligible for early discharge. If a probationer owes outstanding restitution, the court must consider the impact of early discharge on the payment of outstanding restitution and may grant early discharge or retain the probationer on probation up to the maximum allowable probation term for the offense, with the sole condition of continuing restitution payments.

(8) If a hearing is to be held under subsection (7), the prosecutor shall notify the victim of the date and time of the hearing and the victim must be given an opportunity to be heard.

(9) The department of corrections shall report, no later than December 31 of each year, to the committees of the senate and house of representatives concerning the judiciary or criminal justice the number of felony probationers who were released early from probation under this section and any available recidivism data.

(10) A defendant who was convicted of 1 or more of the following crimes is not eligible for reduced probation under this section:

(a) A domestic violence related violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or an offense involving domestic violence as that term is defined in section 1 of 1978 PA 389, MCL 400.1501.

(b) A violation of section 84 of the Michigan penal code, 1931 PA 328, MCL 750.84.

(c) A violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h.

(d) A violation of section 411i of the Michigan penal code, 1931 PA 328, MCL 750.411i.

(e) A violation of section 520c of the Michigan penal code, 1931 PA 328, MCL 750.520c.

- (f) A violation of section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e.
 - (g) A listed offense.
 - (h) An offense for which a defense was asserted under section 36 of chapter VIII.
 - (i) A violation of chapter LXVIIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, or former section 462i or 462j of that act.
- (11) 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, conditions, and rehabilitation goals 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 this section, the period by which that term was reduced must be reported to the department of corrections.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) As used in this section, "listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

Sec. 2a. (1) The court may place an individual convicted of violating section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h, on probation for not more than 5 years. The sentence is subject to the conditions of probation set forth in section 411h(3) of the Michigan penal code, 1931 PA 328, MCL 750.411h, and section 3 of this chapter. The probation is subject to revocation for any violation of a condition of that probation.

(2) The court may place an individual convicted of violating section 411i of the Michigan penal code, 1931 PA 328, MCL 750.411i, on probation for any term of years, but not less than 5 years. The sentence is subject to the conditions of probation set forth in section 411i(4) of the Michigan penal code, 1931 PA 328, MCL 750.411i, and section 3 of this chapter. The probation is subject to revocation for any violation of a condition of that probation.

(3) The court may place an individual convicted of a violation of section 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b, that is designated as a misdemeanor on probation for not more than 5 years.

(4) Except as provided in subsections (2) and (6), the court may place an individual convicted of a violent felony on probation for not more than 5 years.

(5) The court shall by order, to be filed or entered in the cause as the court directs by general rule or in each case, fix and determine the period, conditions, and rehabilitation goals of probation. The order is part of the record in the cause. The court may amend the order in form or substance at any time.

(6) Subsections (1), (2), (3), (4), and (5) do 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.

(7) Except as otherwise provided by law, the court may place an individual convicted of a listed offense on probation subject to the requirements of this subsection and subsections (8) through (13) for any term of years but not less than 5 years.

(8) Except as otherwise provided in subsections (9) to (13), if an individual is placed on probation under subsection (7), the court shall order the individual not to do any of the following:

- (a) Reside within a student safety zone.
- (b) Work within a student safety zone.
- (c) Loiter within a student safety zone.

(9) The court shall not impose a condition of probation described in subsection (8)(a) if any of the following apply:

(a) The individual is not more than 19 years of age and attends secondary school or postsecondary school, and resides with his or her parent or guardian. However, an individual described in this subdivision must be ordered

not to initiate or maintain contact with a minor within that student safety zone. The individual must be permitted to initiate or maintain contact with a minor with whom he or she attends secondary school or postsecondary school in conjunction with that school attendance.

(b) The individual is not more than 26 years of age, attends a special education program, and resides with his or her parent or guardian or in a group home or assisted living facility. However, an individual described in this subdivision must be ordered not to initiate or maintain contact with a minor within that student safety zone. The individual must be permitted to initiate or maintain contact with a minor with whom he or she attends a special education program in conjunction with that attendance.

(c) The individual was residing within that student safety zone on January 1, 2006. However, if the individual was residing within the student safety zone on January 1, 2006, the court shall order the individual not to initiate or maintain contact with any minors within that student safety zone. This subdivision does not prohibit the court from allowing contact with any minors named in the probation order for good cause shown and as specified in the probation order.

(10) An order issued under subsection (8)(a) must not prohibit an individual from being a patient in a hospital or hospice that is located within a student safety zone. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(11) The court shall not impose a condition of probation described in subsection (8)(b) if the individual was working within the student safety zone on January 1, 2006. However, if the individual was working within the student safety zone on January 1, 2006, the court shall order the individual not to initiate or maintain contact with any minors in the course of his or her employment within that student safety zone. This subsection does not prohibit the court from allowing contact with any minors named in the probation order for good cause shown and as specified in the probation order.

(12) The court shall not impose a condition of probation described in subsection (8)(b) if the individual only intermittently or sporadically enters a student safety zone for purposes of work. If the individual intermittently or sporadically works within a student safety zone, the court shall order the individual not to initiate or maintain contact with any minors in the course of his or her employment within that safety zone. This subsection does not prohibit the court from allowing contact with any minors named in the probation order for good cause shown and as specified in the probation order.

(13) The court may exempt an individual from probation under subsection (7) if any of the following apply:

(a) The individual has successfully completed his or her probationary period under sections 11 to 15 of chapter II for committing a listed offense and has been discharged from youthful trainee status.

(b) The individual was convicted of committing or attempting to commit a violation solely described in section 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520e, and at the time of the violation was 17 years of age or older but less than 21 years of age and is not more than 5 years older than the victim.

(14) As used in this section:

(a) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(b) "Loiter" means to remain for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting minors.

(c) "Minor" means an individual less than 18 years of age.

(d) "School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12. School does not include a home school.

(e) "School property" means a building, facility, structure, or real property owned, leased, or otherwise controlled by a school, other than a building, facility, structure, or real property that is no longer in use on a permanent or continuous basis, to which either of the following applies:

(i) It is used to impart educational instruction.

(ii) It is for use by students not more than 19 years of age for sports or other recreational activities.

(f) "Student safety zone" means the area that lies 1,000 feet or less from school property.

(g) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236.

Sec. 3. (1) The sentence of probation must include all of the following conditions:

(a) During the term of his or her probation, the probationer shall not violate any criminal law of this state, the United States, or another state or any ordinance of any municipality in this state or another state.

(b) During the term of his or her probation, the probationer shall not leave the state without the consent of the court granting his or her application for probation.

(c) The probationer shall report to the probation officer, in person, virtually, or in writing, monthly or as often as the probation officer requires. This subdivision 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.

(d) If sentenced in circuit court, the probationer shall pay a probation supervision fee as prescribed in section 3c of this chapter.

(e) The probationer shall pay restitution to the victim of the defendant's course of conduct giving rise to the conviction or to the victim's estate as provided in chapter IX. An order for payment of restitution may be modified and must be enforced as provided in chapter IX.

(f) The probationer shall pay an assessment ordered under section 5 of 1989 PA 196, MCL 780.905.

(g) The probationer shall pay the minimum state cost prescribed by section 1j of chapter IX.

(h) If the probationer is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the probationer shall comply with that act.

(2) Subject to subsection (11), as a condition of probation, the court may require the probationer to do 1 or more of the following:

(a) Be imprisoned in the county jail for not more than 12 months at the time or intervals that may be consecutive or nonconsecutive, within the probation as the court determines. However, the period of confinement must not exceed the maximum period of imprisonment provided for the offense charged if the maximum period is less than 12 months. The court may permit day parole as authorized under 1962 PA 60, MCL 801.251 to 801.258. The court may, subject to sections 3d and 3e of this chapter, permit the individual to be released from jail to work at his or her existing job or to attend a school in which he or she is enrolled as a student. This subdivision 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.

(b) Pay immediately or within the period of his or her probation a fine imposed when placed on probation.

(c) Pay costs pursuant to subsection (5).

(d) Pay any assessment ordered by the court other than an assessment described in subsection (1)(f).

(e) Engage in community service.

(f) Agree to pay by wage assignment any restitution, assessment, fine, or cost imposed by the court.

(g) Participate in inpatient or outpatient drug treatment, or a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1084.

(h) Participate in mental health treatment.

(i) Participate in mental health or substance abuse counseling.

(j) Participate in a community corrections program.

(k) Be under house arrest.

(l) Be subject to electronic monitoring.

(m) Participate in a residential probation program.

(n) Satisfactorily complete a program of incarceration in a special alternative incarceration unit as provided in section 3b of this chapter.

(o) Be subject to conditions reasonably necessary for the protection of 1 or more named persons.

(p) Reimburse the county for expenses incurred by the county in connection with the conviction for which probation was ordered as provided in the prisoner reimbursement to the county act, 1984 PA 118, MCL 801.81 to 801.93.

(q) Complete his or her high school education or obtain the equivalency of a high school education in the form of a general education development (GED) certificate.

(3) Subject to subsection (11), the court may impose other lawful conditions of probation as the circumstances of the case require or warrant or as in its judgment are proper.

(4) If an order or amended order of probation contains a condition for the protection of 1 or more named persons as provided in subsection (2)(o), the court or a law enforcement agency within the court's jurisdiction shall enter the order or amended order into the law enforcement information network. If the court rescinds the order or amended order or the condition, the court shall remove the order or amended order or the condition from the law enforcement information network or notify that law enforcement agency and the law enforcement agency shall remove the order or amended order or the condition from the law enforcement information network.

(5) If the court requires the probationer to pay costs under subsection (2), the costs must be limited to expenses specifically incurred in prosecuting the defendant or providing legal assistance to the defendant and supervision of the probationer.

(6) If the court imposes costs under subsection (2) as part of a sentence of probation, all of the following apply:

(a) The court shall not require a probationer to pay costs under subsection (2) unless the probationer is or will be able to pay them during the term of probation. In determining the amount and method of payment of costs under subsection (2), the court shall take into account the probationer's financial resources and the nature of the burden that payment of costs will impose, with due regard to his or her other obligations.

(b) A probationer who is required to pay costs under subsection (1)(g) or (2)(c) and who is not in willful default of the payment of the costs may petition the sentencing judge or his or her successor at any time for a remission of the payment of any unpaid portion of those costs. If the court determines that payment of the amount due will impose a manifest hardship on the probationer or his or her immediate family, the court may remit all or part of the amount due in costs or modify the method of payment.

(7) If a probationer is required to pay costs as part of a sentence of probation, the court may require payment to be made immediately or the court may provide for payment to be made within a specified period of time or in specified installments.

(8) If a probationer is ordered to pay costs as part of a sentence of probation, compliance with that order must be a condition of probation. Subject to the requirements of section 4b of this chapter, the court may only sanction a probationer to jail or revoke the probation of a probationer who fails to comply with the order if the probationer has the ability to pay and has not made a good-faith effort to comply with the order. In determining whether to revoke probation, the court shall consider the probationer's employment status, earning ability, and financial resources, the willfulness of the probationer's failure to pay, and any other special circumstances that may have a bearing on the probationer's ability to pay. The proceedings provided for in this subsection are in addition to those provided in section 4 of this chapter.

(9) If entry of judgment is deferred in the circuit court, the court shall require the individual to pay a supervision fee in the same manner as is prescribed for a delayed sentence under section 1(3) of this chapter, shall require the individual to pay the minimum state costs prescribed by section 1j of chapter IX, and may impose, as applicable, the conditions of probation described in subsection (1), and subject to subsection (11), the conditions of probation described in subsections (2) and (3).

(10) If sentencing is delayed or entry of judgment is deferred in the district court or in a municipal court, the court shall require the individual to pay the minimum state costs prescribed by section 1j of chapter IX and may impose, as applicable, the conditions of probation described in subsection (1), and subject to subsection (11), the conditions of probation described in subsections (2) and (3).

(11) The conditions of probation imposed by the court under subsections (2) and (3) must be individually tailored to the probationer, must specifically address the assessed risks and needs of the probationer, must be designed to reduce recidivism, and must be adjusted if the court determines adjustments are appropriate. The court shall also consider the input of the victim and shall specifically address the harm caused to the victim, as well as the victim's safety needs and other concerns, including, but not limited to, any request for protective conditions or restitution.

Sec. 4. (1) It is the intent of the legislature that the granting of probation is a matter of grace requiring the agreement of the probationer to its granting and continuance.

(2) All probation orders are revocable subject to the requirements of section 4b of this chapter, but revocation of probation, and subsequent incarceration, should be imposed only for repeated technical violations, for new criminal behavior, as otherwise allowed in section 4b of this chapter, or upon request of the probationer. Hearings on the revocation must be summary and informal and not subject to the rules of evidence or of pleadings applicable in criminal trials.

(3) In its probation order or by general rule, the court may provide for the apprehension, detention, and confinement of a probationer accused of violating a probation condition.

(4) The method of hearing and presentation of charges are within the court's discretion, except that the probationer is entitled to a written copy of the charges constituting the claim that he or she violated probation and to a probation revocation hearing.

(5) Subject to the requirements of section 4b of this chapter, the court may investigate and enter a disposition of the probationer as the court determines best serves the public interest. If a probation order is revoked, the court may sentence the probationer in the same manner and to the same penalty as the court might have done if the probation order had never been made.

(6) This section 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.

Sec. 4b. (1) Except as otherwise provided in this section, a probationer who commits a technical probation violation and is sentenced to temporary incarceration may be incarcerated for each technical violation as follows:

(a) For a technical violation committed by an individual who is on probation because he or she was convicted of or pleaded guilty to a misdemeanor:

(i) For a first violation, jail incarceration for not more than 5 days.

(ii) For a second violation, jail incarceration for not more than 10 days.

(iii) For a third violation, jail incarceration for not more than 15 days.

(iv) For a fourth or subsequent violation, jail incarceration for any number of days, but not exceeding the total of the remaining eligible jail sentence.

(b) For a technical violation committed by an individual who is on probation because he or she was convicted of or pleaded guilty to a felony:

(i) For a first violation, jail incarceration for not more than 15 days.

(ii) For a second violation, jail incarceration for not more than 30 days.

(iii) For a third violation, jail incarceration for not more than 45 days.

(iv) For a fourth or subsequent violation, jail or prison incarceration for any number of days, but not exceeding the total of the remaining eligible jail or prison sentence.

(2) A probationer may acknowledge a technical probation violation in writing without a hearing before the court being required.

(3) A jail sanction under subsection (1)(a) or (b) may be extended to not more than 45 days if the probationer is awaiting placement in a treatment facility and does not have a safe alternative location to await treatment.

(4) Subject to the exception in subsection (6), the court shall not revoke probation on the basis of a technical probation violation unless a probationer has already been sanctioned for 3 or more technical probation violations and commits a new technical probation violation.

(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, an offense involving domestic violence as that term is defined in section 1 of 1978 PA 389, MCL 400.1501, 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) Except as otherwise provided in this subsection, there is a rebuttable presumption that the court shall not issue a warrant for arrest for a technical probation violation and shall issue a summons or order to show cause to the probationer instead. The court may overcome the presumption and issue a warrant if it states on the record a specific reason to suspect that 1 or more of the following apply:

(a) The probationer presents an immediate danger to himself or herself, another person, or the public.

(b) The probationer has left court-ordered inpatient treatment without the court's or the treatment facility's permission.

(c) A summons or order to show cause has already been issued for the technical probation violation and the probationer failed to appear as ordered.

(8) A probationer who is arrested and detained for a technical probation violation must be brought to a hearing on the technical probation violation as soon as is possible. If the hearing is not held within the applicable and permissible jail sanction, as determined under subsection (1)(a) or (b), the probationer must be returned to community supervision.

(9) As used in this section:

(a) "Absconding" means the intentional failure of a probationer to report to his or her supervising agent or to advise his or her supervising agent of his or her whereabouts for a continuous period of not less than 60 days.

(b) "Technical probation violation" means a violation of the terms of a probationer's probation order that is not listed below, including missing or failing a drug test, subparagraph (ii) notwithstanding. Technical probation violations do not include the following:

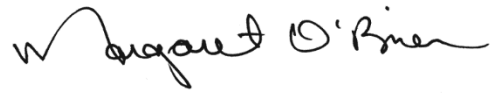
(i) A violation of an order of the court requiring that the probationer have no contact with a named individual.

(ii) A violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law, whether or not a new criminal offense is charged.

(iii) 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.

(iv) Absconding.

Enacting section 1. This amendatory act takes effect April 1, 2021.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor