

# SENATE BILL NO. 432

June 17, 2025, Introduced by Senators VICTORY, ANTHONY and CHANG and referred to  
Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 1 of chapter XI (MCL 771.1), as amended by 2019  
PA 165.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XI  
2 Sec. 1. (1) ~~In~~**Except as otherwise provided in this**  
3 **subsection, in** all prosecutions for felonies, misdemeanors, or  
4 ordinance violations other than murder, treason, criminal sexual

1 conduct in the first or third degree, armed robbery, or major  
2 controlled substance offenses, if the defendant has been found  
3 guilty upon verdict or plea and the court determines that the  
4 defendant is not likely again to engage in an offensive or criminal  
5 course of conduct and that the public good does not require that  
6 the defendant suffer the penalty imposed by law, the court may  
7 place the defendant on probation under the charge and supervision  
8 of a probation officer. **A defendant may be sentenced to probation**  
9 **for a violation of section 7401(2) (a) (iv) of the public health code,**  
10 **1978 PA 368, MCL 333.7401, if the violation involved a substance**  
11 **that is not heroin, fentanyl, carfentanil, or any derivative of**  
12 **heroin, fentanyl, or carfentanil.**

13 (2) In an action in which the court may place the defendant on  
14 probation, the court may delay sentencing the defendant for not  
15 more than 1 year to give the defendant an opportunity to prove to  
16 the court ~~his or her~~ **the defendant's** eligibility for probation or  
17 other leniency compatible with the ends of justice and the  
18 defendant's rehabilitation, such as participation in a drug  
19 treatment court under chapter 10A of the revised judicature act of  
20 1961, 1961 PA 236, MCL 600.1060 to 600.1088. When sentencing is  
21 delayed, the court shall enter an order stating the reason for the  
22 delay ~~upon~~ **in** the court's records. The delay in passing sentence  
23 does not deprive the court of jurisdiction to sentence the  
24 defendant at any time during the period of delay.

25 (3) Except as provided in subsection (5), if a defendant is  
26 before the circuit court and the court delays imposing sentence  
27 under subsection (2), the court shall include in the delayed  
28 sentence order that the department of corrections collect a  
29 supervision fee of \$30.00 multiplied by the number of months of

1 delay ordered, but not more than 12 months, if the individual is  
2 placed on supervision without electronic monitoring. If the  
3 individual is placed on supervision with an electronic monitoring  
4 device under this subsection, the court shall include in the  
5 delayed sentence order that the department of corrections collect a  
6 supervision fee of \$60.00 multiplied by the number of months of  
7 supervision ordered under the delay of sentence, but not more than  
8 12 months. The fee is payable when the delayed sentence order is  
9 entered, but the fee may be paid in monthly installments if the  
10 court approves installment payments for that defendant. The fee  
11 must be collected as provided in section 25a of the corrections  
12 code of 1953, 1953 PA 232, MCL 791.225a. ~~A person~~ **An individual**  
13 must not be subject to more than 1 supervision fee at the same  
14 time. If a supervision fee is ordered for ~~a person~~ **an individual**  
15 for any month or months during which that ~~person~~ **individual** already  
16 is subject to a supervision fee, the court shall waive the fee  
17 having the shorter remaining duration.

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

22 (5) The court may waive the fee required to be collected under  
23 this section if the court determines the supervised individual is  
24 indigent.

25 (6) As used in this section, "electronic monitoring device"  
26 includes any electronic device or instrument that is used to track  
27 the location of an individual, enforce a curfew, or detect the  
28 presence of alcohol in an individual's body.

29 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect  
3 unless Senate Bill No. 430 of the 103rd Legislature is enacted into  
4 law.