

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

771A.4 Swift and sure probation supervision fund; creation; investment; interest and earnings; money remaining at close of fiscal year; allocation and expenditure of funds; grants; participants from other jurisdiction; basis; validity of transfer.

Sec. 4. (1) The swift and sure probation supervision fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(2) The state treasurer shall allocate sufficient funds to allow the state court administrative office to, under the supervision of the supreme court, expend funds from the swift and sure probation supervision fund to administer this chapter and to provide grants under this chapter to fund programs of swift and sure probation supervision in the circuit court that meet the objectives set forth in section 3 of this chapter and the requirements of section 5 of this chapter.

(3) A court may apply for a grant to fund a program of swift and sure probation supervision under this chapter by filing a written application with the state court administrative office in the manner required by that office. The funding of all grants under this chapter is subject to appropriation.

(4) A court that has received a grant under this chapter to fund programs of swift and sure probation supervision may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a swift and sure probation supervision program in the jurisdiction where the participant is charged. The transfer may occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes. A transfer under this subsection is not valid unless it is agreed to by all of the following individuals:

- (a) The defendant or respondent in writing.
- (b) The attorney representing the defendant or respondent.
- (c) The judge of the transferring court and the prosecutor of the case.
- (d) The judge of the receiving court and the prosecutor of the receiving court funding unit.

History: Add. 2012, Act 616, Imd. Eff. Jan. 9, 2013;—Am. 2017, Act 17, Eff. June 29, 2017.