

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

771A.5 Duties of judge; powers of state court administrative office.

Sec. 5. (1) A judge shall do all of the following if swift and sure probation applies to a probationer:

(a) Inform the probationer in person of the requirements of his or her probation and the sanctions and remedies that may apply to probation violations.

(b) Adhere to and not depart from the prescribed list of sanctions and remedies imposed on the probationer.

(c) Require the probationer to initially meet in person with a probation agent or probation officer and as otherwise required by the court.

(d) Provide for an appearance before the judge or another judge for any probation violation as soon as possible but within 72 hours after the violation is reported to the court unless a departure from the 72-hour requirement is authorized for good cause as determined by criteria established by the state court administrative office.

(e) Provide for the immediate imposition of sanctions and remedies approved by the state court administrative office to effectively address probation violations. The sanctions and remedies approved under this subdivision may include, but are not limited to, 1 or more of the following:

(i) Temporary incarceration in a jail or other facility authorized by law to hold probation violators.

(ii) Extension of the period of supervision within the period provided by law.

(iii) Additional reporting and compliance requirements.

(iv) Testing for the use of drugs and alcohol.

(v) Counseling and treatment for emotional or other mental health problems, including for substance abuse.

(vi) Probation revocation.

(vii) Any other sanction approved by the state court administrative office.

(2) The state court administrative office may, under the supervision of the supreme court, do any of the following regarding programs funded under this chapter:

(a) Establish general eligibility requirements for offender participation.

(b) Require courts and offenders to enter into written participation agreements.

(c) Create recommended and mandatory sanctions and remedies for use by participating courts.

(d) Establish criteria for deviating from recommended and mandatory sanctions and remedies if necessary to address special circumstances.

(e) Establish a system for determining sanctions and remedies that should or may be imposed under subdivision (c) and for alternative sanctions and remedies under subdivision (d).

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