

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.225a Supervision fees; collection; records; payment; waiver; allocation of money collected for other obligations; administrative costs; enhanced services; unpaid amounts; "electronic monitoring device" defined.

Sec. 25a. (1) The department shall collect supervision fees ordered under section 13 of chapter II or section 1 or 3c of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 762.13, 771.1, and 771.3c. The department shall maintain records of supervision fees ordered by the court, including records of payment by persons subject to supervision fees and any amounts of supervision fees past due and owing.

(2) A supervision fee is payable when the order of delayed sentence or order of probation is entered, unless the court allows a person who is subject to a supervision fee to pay the fee in monthly installments.

(3) The department shall waive any applicable supervision fee for a person who is transferred to another state under the interstate compact entered into pursuant to 1935 PA 89, MCL 798.101 to 798.103, or the interstate compact entered into pursuant to the interstate compact for adult offender supervision, 2002 PA 40, MCL 3.1011 to 3.1012, for the months during which he or she is in another state. Except as provided in subsection (4), the department shall collect a supervision fee of \$30.00 per month for each month of supervision in this state for an offender transferred to this state under an interstate compact who is being supervised without an electronic monitoring device. If the offender is being supervised under this subsection with an electronic monitoring device, the department shall collect a supervision fee of \$60.00 per month.

(4) The department shall waive any applicable supervision fee for a person who is transferred to another state under the interstate compact entered into pursuant to 1935 PA 89, MCL 798.101 to 798.103, or the interstate compact entered into pursuant to the interstate compact for adult offender supervision, 2002 PA 40, MCL 3.1011 to 3.1012, if the department determines that the offender is indigent.

(5) If a person who is subject to a supervision fee is also subject to any combination of fines, costs, restitution orders, assessments, or payments arising out of the same criminal proceeding, the allocation of money collected for those obligations must be as otherwise provided in the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(6) Twenty percent of the money collected by the department under this section must be allocated for administrative costs incurred by the department in collecting supervision fees and for enhanced services, as described in this subsection. Enhanced services include, but are not limited to, the purchase of services for offenders such as counseling, employment training, employment placement, or education; public transportation expenses related to training, counseling, or employment; enhancement of staff performance through specialized training and equipment purchase; and purchase of items for offender employment. The department shall develop priorities for expending the money for enhanced services in consultation with circuit judges in this state. At the end of each fiscal year, the unexpended balance of the money allocated for administrative costs and enhanced services must be available for carryforward to be used for the purposes described in this subsection in subsequent fiscal years.

(7) If a person has not paid the full amount of a supervision fee upon being discharged from probation, or upon termination of the period of delayed sentence for a person subject to delayed sentence including a person under supervision on the effective date of the amendatory act that amended this subsection, the department shall waive any amount in excess of the aggregate sum of \$30.00 per month for each month the offender was supervised without an electronic monitoring device and \$60.00 per month for each month the offender was monitored with an electronic monitoring device. Any unpaid amounts not waived by the department must be reported to the department of treasury. The department of treasury shall attempt to collect the unpaid balances pursuant to section 30a of 1941 PA 122, MCL 205.30a. Money collected under this subsection must not be allocated for the purposes described in subsection (6).

(8) The department shall not collect any fees for offenders supervised under this section for electronic monitoring other than the fees required to be collected under subsection (3).

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

History: Add. 1993, Act 184, Imd. Eff. Sept. 30, 1993;—Am. 2002, Act 502, Imd. Eff. July 16, 2002;—Am. 2019, Act 164, Eff. Mar. 19, 2020.

Popular name: Department of Corrections Act