

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

***** 771.3c THIS AMENDED SECTION IS EFFECTIVE MARCH 19, 2020 *****

771.3c.amended Probation supervision fee; enforcement of probation oversight fee; waiver of fee; person subject to other obligations arising out of criminal proceeding; applicability of section to certain juveniles; "electronic monitoring device" defined.

Sec. 3c. (1) Except as provided in subsection (2), the circuit court shall include in each order of probation for a defendant convicted of a crime that the department of corrections collect a probation supervision fee of \$30.00 multiplied by the number of months of probation ordered, but not more than 60 months, if a defendant is placed on probation supervision without an electronic monitoring device. If a defendant is placed on probation supervision with an electronic monitoring device under this subsection, the circuit court's order shall include in its order that the department of corrections collect a probation supervision fee of \$60.00 multiplied by the number of months of probation ordered, but not more than 60 months. The fee is payable when the probation order is entered, but the fee may be paid in monthly installments if the court approves installment payments for that probationer. The fee must be collected as provided in section 25a of the corrections code of 1953, 1953 PA 232, MCL 791.225a. A person must not be subject to more than 1 supervision fee at the same time. If a supervision fee is ordered for a person for any month or months during which that person already is subject to a supervision fee, the court shall waive the fee having the shorter remaining duration.

(2) The circuit court may waive the fee required to be collected under this section if the court determines that the supervised individual is indigent.

(3) If a person who is subject to a probation 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 section 22 of chapter XV.

(4) 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.

(5) 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. 1989, Act 184, Eff. Oct. 1, 1989;—Am. 1993, Act 185, Eff. Oct. 1, 1993;—Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999;—Am. 2002, Act 483, Eff. Oct. 1, 2002;—Am. 2019, Act 165, Eff. Mar. 19, 2020.