



HOUSE BILL No. 4269

February 1, 1995, Introduced by Rep. Nye and referred to the Committee on Judiciary and Civil Rights.

A bill to amend chapter IX of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," as amended, being sections 769.1 to 769.28 of the Michigan Compiled Laws, by adding section 1f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter IX of Act No. 175 of the Public Acts of
2 1927, as amended, being sections 769.1 to 769.28 of the Michigan
3 Compiled Laws, is amended by adding section 1f to read as
4 follows:

CHAPTER IX

5
6 SEC. 1F. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), THE
7 COURT MAY SENTENCE A PERSON CONVICTED OF VIOLATING THE MICHIGAN
8 PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING
9 SECTIONS 750.1 TO 750.568 OF THE MICHIGAN COMPILED LAWS, TO PAY A

1 FINE BASED UPON THE PERSON'S AVERAGE NET DAILY INCOME, IN LIEU OF
2 SENTENCING THE PERSON TO A TERM OF IMPRISONMENT.

3 (2) THE COURT SHALL CONSIDER ALL OF THE FOLLOWING IN SEN-
4 TENCING A PERSON TO PAY A FINE PURSUANT TO THIS SECTION:

5 (A) THE NATURE OF THE VIOLATION COMMITTED BY THE PERSON.

6 (B) THE PERSON'S CRIMINAL RECORD.

7 (C) THE POTENTIAL DETERRENT EFFECT OF SENTENCING THE PERSON
8 TO PAY A FINE IN LIEU OF IMPRISONING THE PERSON.

9 (3) THE COURT SHALL CONSIDER THE PERSON'S FINANCIAL
10 RESOURCES IN DETERMINING THE AMOUNT OF THE FINE TO BE IMPOSED
11 PURSUANT TO THIS SECTION, BUT NOT IN DETERMINING THE PERSON'S
12 ELIGIBILITY TO PAY A FINE PURSUANT TO THIS SECTION IN LIEU OF
13 BEING IMPRISONED.

14 (4) THE COURT SHALL NOT SENTENCE A PERSON UNDER THIS SECTION
15 UNLESS THE COURT DETERMINES THAT ALL OF THE FOLLOWING CIRCUM-
16 STANCES EXIST:

17 (A) THE PERSON WAS CONVICTED OF A CRIME FOR WHICH NO MANDA-
18 TORY MINIMUM TERM OF IMPRISONMENT IS REQUIRED.

19 (B) THE PERSON WAS CONVICTED OF A CRIME FOR WHICH HE OR SHE
20 IS ELIGIBLE FOR PAROLE OR PROBATION.

21 (C) THE PERSON DOES NOT POSE A THREAT OF VIOLENCE TO THE
22 COMMUNITY.

23 (D) THE PERSON IS NOT AN HABITUAL OFFENDER.

24 Section 2. This amendatory act shall not take effect unless
25 Senate Bill No. _____ or House Bill No. 4270 (request
26 no. 01787'95 a) of the 88th Legislature is enacted into law.