



SENATE BILL No. 13

January 17, 1995, Introduced by Senator CHERRY and referred to the Committee on Judiciary.

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) THE COURT MAY SENTENCE A PERSON CONVICTED OF
7 VIOLATING THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS
8 OF 1931, BEING SECTIONS 750.1 TO 750.568 OF THE MICHIGAN COMPILED
9 LAWS, TO PAY A FINE BASED UPON THE PERSON'S AVERAGE NET DAILY

1 INCOME, IN LIEU OF SENTENCING THE PERSON TO A TERM OF
2 IMPRISONMENT, IF ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

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

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

7 (C) THE PERSON DOES NOT POSE A THREAT OF VIOLENCE TO THE
8 COMMUNITY.

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

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

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

13 (B) THE PERSON'S CRIMINAL RECORD.

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

16 (3) THE COURT SHALL CONSIDER THE PERSON'S FINANCIAL
17 RESOURCES IN DETERMINING THE AMOUNT OF THE FINE TO BE IMPOSED
18 PURSUANT TO THIS SECTION, BUT SHALL NOT CONSIDER THE PERSON'S
19 FINANCIAL RESOURCES IN DETERMINING THE PERSON'S ELIGIBILITY TO
20 PAY A FINE PURSUANT TO THIS SECTION IN LIEU OF BEING IMPRISONED.

21 Section 2. This amendatory act shall not take effect unless
22 Senate Bill No. 14

23 of the 88th Legislature is enacted into law.