

House Bill 4103

Sponsor: Rep. Artina Hardman

Committee: Criminal Justice

Complete to 4-2-03

A SUMMARY OF HOUSE BILL 4103 AS INTRODUCED 1-29-03

The Code of Criminal Procedure establishes conditions of probation that courts must impose on probationers (e.g., a probationer cannot violate any criminal law) as well as a list of conditions of probation that a judge may impose on a probationer (e.g., community service).

Currently, one of the conditions that a court may impose as a condition of probation is to require the probationer to participate in inpatient or outpatient drug treatment. House Bill 4103 would revise this condition to instead allow a court to require a probationer to participate in and successfully complete one or more inpatient or outpatient rehabilitative programs, including but not limited to alcohol or drug treatment or alcohol or drug education programs.

Further, the bill would make a technical revision to the list of conditions for probation that a court may impose. Currently, one of the provisions states that a court may require probationers to pay costs that arise from a condition imposed under subsection (4). Subsection (4) allows a court to also impose other lawful conditions of probation (that are not contained in the previous list) as the circumstances of the case require or warrant or as in its judgment are proper. Since Subsection (4) does not directly relate to the payment of costs, but several other provisions do, the bill would delete the reference to subsection (4) from this provision and replace it with references to those subsections that do relate directly to costs – namely – subsection (6) [limits the scope of what constitutes a “cost” that a probationer can be required to pay as a condition of his or her probation]; subsection (7) [prohibits the court from imposing costs unless the probationer can pay them during the term of probation and allows a probationer to petition the court for a remission of the payment]; subsection (8) [allows a court to require the payment of costs to be made immediately or in installments within a specified timeframe]; and subsection (9) [allows a court to revoke probation if a probationer fails to comply with the order to pay costs].

MCL 771.3

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.