

HOUSE BILL No. 5582

May 15, 2014, Introduced by Reps. Haveman and Santana and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter II (MCL 762.13), as amended by 2004 PA 239.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER II

Sec. 13. (1) If an individual is assigned to the status of a youthful trainee and the underlying charge is an offense punishable by imprisonment for a term of more than 1 year, the court shall do 1 of the following:

~~—— (a) Commit the individual to the department of corrections for custodial supervision and training for not more than 3 years in an institutional facility designated by the department for~~

1 ~~that purpose.~~

2 **(A)** ~~(b)~~—Place the individual on probation for not more than
3 3 years subject to probation conditions as provided in section 3
4 of chapter XI. ~~Beginning January 1, 2005, the~~ **THE** terms and
5 conditions of probation may include participation in a drug
6 treatment court under chapter 10A of the revised judicature act
7 of 1961, 1961 PA 236, MCL 600.1060 to ~~600.1082-~~**600.1099A**.

8 **(B)** ~~(e)~~—Commit the individual to the county jail for not
9 more than 1 year.

10 (2) If an individual is assigned to the status of youthful
11 trainee and the underlying charge is for an offense punishable by
12 imprisonment for 1 year or less, the court shall place the
13 individual on probation for not more than 2 years, subject to
14 probation conditions as provided in section 3 of chapter XI.

15 (3) An individual placed on probation ~~pursuant to~~ **UNDER** this
16 section shall be under the supervision of a probation officer.
17 Upon commitment to and receipt by the department of corrections,
18 a youthful trainee shall be subject to the direction of the
19 department of corrections.

20 (4) If an individual is committed to the county jail under
21 subsection ~~(1)(e)~~ **(1) (B)** or as a probation condition, the court
22 may authorize work release or release for educational purposes.

23 (5) The court shall include in each order of probation for
24 an individual placed on probation under this section that the
25 department of corrections shall collect a probation supervision
26 fee of not more than \$135.00 multiplied by the number of months
27 of probation ordered, but not more than 36 months. The fee is

1 payable when the probation order is entered, but the fee may be
 2 paid in monthly installments if the court approves installment
 3 payments for that probationer. In determining the amount of the
 4 fee, the court shall consider the probationer's projected income
 5 and financial resources. The court shall use the following table
 6 of projected monthly income in determining the amount of the fee
 7 to be ordered:

8	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
9	\$ 0-249.99	\$ 0.00
10	\$ 250.00-499.99	\$10.00
11	\$ 500.00-749.99	\$25.00
12	\$ 750.00-999.99	\$40.00
13	\$1,000.00 or more	5% of projected monthly
14		income, but not more than
15		\$135.00

16 The court may order a higher amount than indicated by the
 17 table, up to the maximum of \$135.00 multiplied by the number of
 18 months of probation ordered but not more than 36 months, if the
 19 court determines that the probationer has sufficient assets or
 20 other financial resources to warrant the higher amount. If the
 21 court orders a higher amount, the amount and the reasons for
 22 ordering that amount shall be stated in the court order. The fee
 23 shall be collected as provided in section 25a of the corrections
 24 code of 1953, 1953 PA 232, MCL 791.225a. A person shall not be
 25 subject to more than 1 supervision fee at the same time. If a
 26 supervision fee is ordered for a person for any month or months

1 during which that person already is subject to a supervision fee,
2 the court shall waive the fee having the shorter remaining
3 duration.

4 ~~—— (6) If the individual is assigned to youthful trainee status~~
5 ~~before October 1, 2004 for a listed offense enumerated in section~~
6 ~~2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,~~
7 ~~the department of corrections, sheriff or his or her designee, or~~
8 ~~the individual's probation officer shall register the individual~~
9 ~~or accept the individual's registration as provided under that~~
10 ~~act.~~