

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1000

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 13 and 14 of chapter II (MCL 762.13 and
762.14), section 13 as amended by 2002 PA 483 and section 14 as
amended by 1994 PA 286.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER II

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

6 (a) Commit the individual to the department of corrections
7 for custodial supervision and training for not more than 3 years
8 in an institutional facility designated by the department for
9 that purpose.

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

7 (c) Commit the individual to the county jail for not more
8 than 1 year.

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

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

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

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

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

7	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
8	\$ 0-249.99	\$ 0.00
9	\$ 250.00-499.99	\$10.00
10	\$ 500.00-749.99	\$25.00
11	\$ 750.00-999.99	\$40.00
12	\$1,000.00 or more	5% of projected
13		monthly income, but
14		not more than \$135.00
15	The court may order a higher amount than indicated by the table,	
16	up to the maximum of \$135.00 multiplied by the number of months	
17	of probation ordered but not more than 36 months, if the court	
18	determines that the probationer has sufficient assets or other	
19	financial resources to warrant the higher amount. If the court	
20	orders a higher amount, the amount and the reasons for ordering	
21	that amount shall be stated in the court order. The fee shall be	

1 collected as provided in section 25a of the corrections code of
2 1953, 1953 PA 232, MCL 791.225a. A person shall not be subject
3 to more than 1 supervision fee at the same time. If a
4 supervision fee is ordered for a person for any month or months
5 during which that person already is subject to a supervision fee,
6 the court shall waive the fee having the shorter remaining
7 duration.

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

14 Sec. 14. (1) If consideration of an individual as a
15 youthful trainee is not terminated and the status of youthful
16 trainee is not revoked as provided in section 12 of this chapter,
17 upon final release of the individual from the status as youthful
18 trainee, the court shall discharge the individual and dismiss the
19 proceedings.

20 (2) An assignment of an individual to the status of youthful
21 trainee as provided in this chapter is not a conviction for a
22 crime and, except as provided in subsection (3), the individual
23 assigned to the status of youthful trainee shall not suffer a
24 civil disability or loss of right or privilege following his or
25 her release from that status because of his or her assignment as
26 a youthful trainee.

27 (3) An individual assigned to youthful trainee status for a

Senate Bill No. 1000 (H-1) as amended June 29, 2004

1 listed offense enumerated in section 2 of the sex offenders
2 registration act, **1994 PA 295, MCL 28.722**, is required to comply
3 with the requirements of that act.

4 (4) Unless the court enters a judgment of conviction against
5 the individual for the criminal offense under section 12 of this
6 chapter, all proceedings regarding the disposition of the
7 criminal charge and the individual's assignment as youthful
8 trainee shall be closed to public inspection, but shall be open
9 to the courts of this state, the department of corrections, the
10 ~~department of social services, and family independence agency,~~
11 law enforcement personnel, **and prosecuting attorneys** for use only
12 in the performance of their duties.

[Enacting section 1. This amendatory act takes effect January 1,
2005.]

13 Enacting section [2]. This amendatory act does not take
14 effect unless Senate Bill No. 998 of the 92nd Legislature is
15 enacted into law.