

HOUSE BILL No. 5762

April 23, 1998, Introduced by Rep. McNutt and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 27 of chapter IX (MCL 769.27) and by adding
section 1f to chapter IX.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

SEC. 1F. (1) A JUDGMENT OF SENTENCE COMMITTING AN INDIVID-
UAL TO THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS SHALL
SPECIFY WHETHER THE SENTENCE IS TO RUN CONSECUTIVELY TO OR CON-
CURRENTLY WITH ANY OTHER SENTENCE THE DEFENDANT IS OR WILL BE
SERVING, AS PROVIDED BY LAW.

(2) UPON SENTENCING A DEFENDANT, THE COURT SHALL PROVIDE A
COPY OF THE JUDGMENT OF SENTENCE TO THE PROSECUTING ATTORNEY, THE
DEFENDANT, AND THE DEFENDANT'S COUNSEL.

1 (3) THE PROSECUTING ATTORNEY OR THE DEFENDANT'S COUNSEL, OR
2 THE DEFENDANT IF HE OR SHE IS NOT REPRESENTED, MAY FILE AN OBJEC-
3 TION TO THE JUDGMENT OF SENTENCE WITHIN 14 DAYS AFTER RECEIVING
4 IT. THE COURT SHALL PROMPTLY HOLD A HEARING ON ANY OBJECTION
5 FILED. THE PROCEDURE FOR REVIEWING A JUDGMENT OF SENTENCE PRO-
6 VIDED IN THIS SUBSECTION IS IN ADDITION TO ANY OTHER REVIEW PRO-
7 CEDURE AUTHORIZED BY STATUTE OR COURT RULE.

8 Sec. 27. ~~In the event that~~ IF THE COURT CHANGES any sen-
9 tence imposed under ~~and by virtue of the provisions of~~ this act
10 ~~shall be changed~~ in any respect, ~~by the sentencing judge, it~~
11 ~~shall be the duty of~~ the clerk of the court ~~of said judge to~~
12 SHALL give written notice of the change to the prosecuting
13 attorney, THE DEFENDANT, AND THE DEFENDANT'S COUNSEL. ~~In the~~
14 ~~event that the~~ THE prosecuting attorney ~~desires to oppose~~ OR
15 THE DEFENDANT'S COUNSEL, OR THE DEFENDANT IF HE OR SHE IS NOT
16 REPRESENTED, SHALL FILE ANY OBJECTION TO the change ~~, he shall~~
17 ~~file an application,~~ within ~~5~~ 14 days after receiving ~~such~~
18 THE notice. ~~, and in such a case shall be entitled to be heard~~
19 ~~in open court upon the merits of the change.~~ THE COURT SHALL
20 PROMPTLY HOLD A HEARING ON ANY OBJECTION FILED.