

Act No. 164
Public Acts of 2019
Approved by the Governor
December 20, 2019

Filed with the Secretary of State
December 20, 2019

EFFECTIVE DATE: March 19, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Rep. Brann

ENROLLED HOUSE BILL No. 4032

AN ACT to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 25a, 36a, and 85 (MCL 791.225a, 791.236a, and 791.285), sections 25a and 36a as amended by 2002 PA 502 and section 85 as added by 2006 PA 172.

The People of the State of Michigan enact:

Sec. 25a. (1) The department shall collect supervision fees ordered under section 13 of chapter II or section 1 or 3c of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 762.13, 771.1, and 771.3c. The department shall maintain records of supervision fees ordered by the court, including records of payment by persons subject to supervision fees and any amounts of supervision fees past due and owing.

(2) A supervision fee is payable when the order of delayed sentence or order of probation is entered, unless the court allows a person who is subject to a supervision fee to pay the fee in monthly installments.

(3) The department shall waive any applicable supervision fee for a person who is transferred to another state under the interstate compact entered into pursuant to 1935 PA 89, MCL 798.101 to 798.103, or the interstate compact entered into pursuant to the interstate compact for adult offender supervision, 2002 PA 40, MCL 3.1011 to 3.1012, for the months during which he or she is in another state. Except as provided in subsection (4), the department shall collect a supervision fee of \$30.00 per month for each month of supervision in this state for an offender transferred to this state under an interstate compact who is being supervised without an electronic monitoring device. If the offender is being supervised under this subsection with an electronic monitoring device, the department shall collect a supervision fee of \$60.00 per month.

(4) The department shall waive any applicable supervision fee for a person who is transferred to another state under the interstate compact entered into pursuant to 1935 PA 89, MCL 798.101 to 798.103, or the interstate compact entered into pursuant to the interstate compact for adult offender supervision, 2002 PA 40, MCL 3.1011 to 3.1012, if the department determines that the offender is indigent.

(5) If a person who is subject to a supervision fee is also subject to any combination of fines, costs, restitution orders, assessments, or payments arising out of the same criminal proceeding, the allocation of money collected for those obligations must be as otherwise provided in the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(6) Twenty percent of the money collected by the department under this section must be allocated for administrative costs incurred by the department in collecting supervision fees and for enhanced services, as described in this subsection. Enhanced services include, but are not limited to, the purchase of services for offenders such as counseling, employment training, employment placement, or education; public transportation expenses related to training, counseling, or employment; enhancement of staff performance through specialized training and equipment purchase; and purchase of items for offender employment. The department shall develop priorities for expending the money for enhanced services in consultation with circuit judges in this state. At the end of each fiscal year, the unexpended balance of the money allocated for administrative costs and enhanced services must be available for carryforward to be used for the purposes described in this subsection in subsequent fiscal years.

(7) If a person has not paid the full amount of a supervision fee upon being discharged from probation, or upon termination of the period of delayed sentence for a person subject to delayed sentence including a person under supervision on the effective date of the amendatory act that amended this subsection, the department shall waive any amount in excess of the aggregate sum of \$30.00 per month for each month the offender was supervised without an electronic monitoring device and \$60.00 per month for each month the offender was monitored with an electronic monitoring device. Any unpaid amounts not waived by the department must be reported to the department of treasury. The department of treasury shall attempt to collect the unpaid balances pursuant to section 30a of 1941 PA 122, MCL 205.30a. Money collected under this subsection must not be allocated for the purposes described in subsection (6).

(8) The department shall not collect any fees for offenders supervised under this section for electronic monitoring other than the fees required to be collected under subsection (3).

(9) As used in this section, "electronic monitoring device" includes any electronic device or instrument that is used to track the location of an individual, enforce a curfew, or detect the presence of alcohol in an individual's body.

Sec. 36a. (1) Except as provided in subsection (6), the parole board shall include in each order of parole that the department collect a parole supervision fee of \$30.00 multiplied by the number of months of parole ordered, but not more than 60 months if the individual is placed on parole supervision without an electronic monitoring device. If the individual is placed on parole supervision under this subsection with an electronic monitoring device, the parole board shall include in each order of parole that the department shall collect a parole supervision fee of \$60.00 multiplied by the number of months of parole ordered, but not more than 60 months. The fee is payable when the parole order is entered, but the fee may be paid in monthly installments if the parole board approves installment payments for that parolee.

(2) If a person who is subject to a supervision fee is also subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same criminal proceeding, the allocation of money collected for those obligations must be as provided in section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 775.22.

(3) A person must not be subject to more than 1 parole supervision fee at the same time. If a parole supervision fee is ordered for a parolee for any month or months during which that parolee already is subject to a parole supervision fee, the department shall waive the fee having the shorter remaining duration.

(4) The department shall waive the parole supervision fee for a parolee who is transferred to another state under the interstate compact entered into pursuant to 1935 PA 89, MCL 798.101 to 798.103, or the interstate compact entered into pursuant to the interstate compact for adult offender supervision, 2002 PA 40, MCL 3.1011 to 3.1012, for the months during which he or she is in another state. The department shall collect a parole supervision fee of \$30.00 per month for each month of parole supervision in this state for an offender transferred to this state under an interstate compact if the offender is placed on parole supervision without an electronic monitoring device. If the offender is placed on parole supervision under this subsection with an electronic monitoring device, the department of corrections shall collect a parole supervision fee of \$60.00 per month for each month of parole supervision in this state.

(5) Twenty percent of the money collected by the department under this section must be allocated for administrative costs incurred by the department in collecting parole supervision fees and for enhanced services, as described in this subsection. Enhanced services include, but are not limited to, the purchase of services for parolees such as counseling, employment training, employment placement, or education; public transportation expenses related to training, counseling, or employment; enhancement of staff performance through specialized training and equipment purchase; and purchase of items for parolee employment. At the end of each fiscal year, the unexpended balance of the money allocated for administrative costs and enhanced services must be available for carryforward to be used for the purposes described in this subsection in subsequent fiscal years.

(6) The department shall waive the supervision fee under subsections (1) and (4) if the department determines that an offender is indigent.

(7) The department shall not collect any fees for offenders supervised under this section for electronic monitoring in excess of the fees required to be collected under subsections (1) and (4).

(8) If a parolee has not paid the full amount of the parole supervision fee upon being discharged from parole including a parolee being supervised on parole on the effective date of the amendatory act that amended this subsection, the department shall waive any amount in excess of the aggregate sum of \$30.00 per month for each month a parolee was supervised without an electronic monitoring device and \$60.00 per month for each month the parolee was supervised with an electronic monitoring device. Any unpaid amounts not waived by the department must be reported to the department of treasury. The department of treasury shall attempt to collect the unpaid balances pursuant to section 30a of 1941 PA 122, MCL 205.30a. Money collected under this subsection must not be allocated for the purposes described in subsection (5).

(9) As used in this section, "electronic monitoring device" includes any electronic device or instrument that is used to track the location of an individual, enforce a curfew, or detect the presence of alcohol in an individual's body.

Sec. 85. (1) The lifetime electronic monitoring program is established in the department. The lifetime electronic monitoring program must implement a system of monitoring individuals released from parole, prison, or both parole and prison who are sentenced by the court to lifetime electronic monitoring. The lifetime electronic monitoring program must accomplish all of the following:

(a) By electronic means, track the movement and location of each individual from the time the individual is released on parole or from prison until the time of the individual's death.

(b) Develop methods by which the individual's movement and location may be determined, both in real time and recorded time, and recorded information retrieved upon request by the court or a law enforcement agency.

(2) An individual who is sentenced to lifetime electronic monitoring shall wear or otherwise carry an electronic monitoring device as determined by the department under the lifetime electronic monitoring program in the manner prescribed by that program and shall reimburse the department or its agent as provided under section 36a while the individual is still on parole, and at the rate of \$60.00 per month after the individual is discharged from parole but is still subject to electronic monitoring.

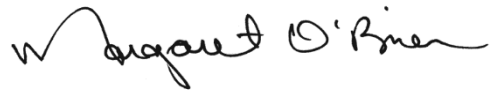
(3) As used in this section, "electronic monitoring" means a device by which, through global positioning system satellite or other means, an individual's movement and location are tracked and recorded.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4031 of the 100th Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 4031, referred to in enacting section 2, was filed with the Secretary of State December 20, 2019, and became 2019 PA 165, Eff. Mar. 19, 2020.