

1 750.410f, if the individual is on the premises or grounds of any of
2 the following places:

3 (a) A school for educational purposes.

4 (b) A church, synagogue, or other established place of
5 religious worship.

6 (c) A health care facility, provided that the individual is on
7 the premises or grounds of the health care facility for the purpose
8 of receiving medical treatment.

9 (2) As used in this section, "school" means a public, private,
10 denominational, or parochial school offering developmental
11 kindergarten, kindergarten, or any grade from 1 through 12.

12 CHAPTER XVI

13 Sec. 1a. (1) If during an individual's appearance for a
14 violation of section 410d, 410e, or 410f of the Michigan penal
15 code, 1931 PA 328, MCL 750.410d, 750.410e, and 750.410f, the court
16 determines that probable cause exists that the individual violated
17 section 410d, 410e, or 410f of the Michigan penal code, 1931 PA
18 328, MCL 750.410d, 750.410e, and 750.410f, the court may order the
19 individual released from custody and issue a written order in
20 accordance with subsection (3).

21 (2) The court at any time after an individual's first
22 appearance before the court for an alleged violation under section
23 410d, 410e, or 410f of the Michigan penal code, 1931 PA 328, MCL
24 750.410d, 750.410e, and 750.410f, may, in lieu of continuing the
25 prosecution of or entering a conviction for an offense under
26 section 410d, 410e, or 410f of the Michigan penal code, 1931 PA
27 328, MCL 750.410d, 750.410e, and 750.410f, dismiss the charge
28 pending against the individual and issue a written order in
29 accordance with subsection (3).

1 (3) A written order authorized by subsection (1) or (2) must
2 discharge the individual and require the individual to return to
3 the foreign nation from which the individual entered or attempted
4 to enter. An order under this subsection must not be issued unless
5 all of following conditions are met:

6 (a) The individual agrees to the order.

7 (b) The individual has not previously been convicted of an
8 offense under section 410d, 410e, or 410f of the Michigan penal
9 code, 1931 PA 328, MCL 750.410d, 750.410e, and 750.410f, or
10 previously obtained a discharge under an order described by
11 subsection (1) or (2).

12 (c) The individual is not charged with another offense that is
13 punishable by imprisonment for more than 1 year.

14 (4) Before the issuance of the order under subsection (3), the
15 arresting law enforcement agency shall do all of the following:

16 (a) Collect all available identifying information of the
17 individual, which must include taking fingerprints from the
18 individual and using other applicable photographic and biometric
19 measures to identify the individual.

20 (b) Cross-reference all the information collected under
21 subdivision (a) with both of the following:

22 (i) All relevant local, state, and federal criminal databases.

23 (ii) Federal lists or classifications used to identify an
24 individual as a threat or potential threat to national security.

25 (5) Upon an individual's conviction under section 410d, 410e,
26 or 410f of the Michigan penal code, 1931 PA 328, MCL 750.410d,
27 750.410e, and 750.410f, the court shall enter an order requiring
28 the individual's return to the foreign nation from which the
29 individual entered or attempted to enter. An order issued under

1 this subsection takes effect on completion of the term of
2 imprisonment imposed at sentencing.

3 (6) An order issued under this section must include both of
4 the following:

5 (a) The manner of transportation of the individual to a port
6 of entry.

7 (b) The law enforcement officer or state agency responsible
8 for monitoring compliance with the order.

9 (7) An order issued under this section must be filed with the
10 following entities as follows:

11 (a) For an order under subsection (1), the county clerk of the
12 county in which the individual was arrested.

13 (b) For an order under subsection (2) or (5), the clerk of the
14 court exercising jurisdiction in the case.

15 Sec. 1b. A court shall not abate the prosecution of an offense
16 under section 410d, 410e, or 410f of the Michigan penal code, 1931
17 PA 328, MCL 750.410d, 750.410e, and 750.410f, on the basis that a
18 federal determination regarding the immigration status of the
19 defendant is pending or will be initiated.

20 Enacting section 1. This amendatory act does not take effect
21 unless Senate Bill No. ____ or House Bill No. 5778 (request no.
22 05725'24) of the 102nd Legislature is enacted into law.