

HOUSE BILL NO. 5174

October 30, 2025, Introduced by Reps. Young, Rheingans, MacDonell, Weiss, McFall, Hope, Byrnes, Wilson, McKinney, Martus, Arbit, Hoskins, Miller, Edwards, Price, Conlin, Paquette, Thompson, B. Carter, Meerman, Scott, Myers-Phillips and Johnsen and referred to Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1 of chapter XI (MCL 771.1), as amended by 2019
PA 165.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XI
2 Sec. 1. (1) ~~In~~ **Except as otherwise provided in this section,**
3 **in** all prosecutions for felonies, misdemeanors, or ordinance
4 violations other than murder, treason, criminal sexual conduct in
5 the first or third degree, armed robbery, or major controlled

1 substance offenses, if the defendant has been found guilty upon
2 verdict or plea and the court determines that the defendant is not
3 likely again to engage in an offensive or criminal course of
4 conduct and that the public good does not require that the
5 defendant suffer the penalty imposed by law, the court may place
6 the defendant on probation under the charge and supervision of a
7 probation officer.

8 **(2) The court shall not grant a delay of sentencing under this**
9 **section to a defendant who has previously received a deferred**
10 **judgment or sentencing under section 4a of chapter IX for an**
11 **offense involving domestic violence, assault, or any crime that**
12 **involves interpersonal violence.**

13 **(3) If the defendant has received a dismissal under section 4a**
14 **of chapter IX, the defendant is not eligible under this section for**
15 **a dismissal of an offense for an assaultive crime.**

16 **(4)** ~~(2)~~—In an action in which the court may place the
17 defendant on probation, the court may delay sentencing the
18 defendant for not more than 1 year to give the defendant an
19 opportunity to prove to the court ~~his or her~~ **the defendant's**
20 eligibility for probation or other leniency compatible with the
21 ends of justice and the defendant's rehabilitation, such as
22 participation in a drug treatment court under chapter 10A of the
23 revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to
24 600.1088. When sentencing is delayed, the court shall enter an
25 order stating the reason for the delay ~~upon~~ **in** the court's records.
26 The delay in passing sentence does not deprive the court of
27 jurisdiction to sentence the defendant at any time during the
28 period of delay.

29 **(5)** ~~(3)~~—Except as provided in subsection ~~(5)~~, **(7)**, if a

defendant is before the circuit court and the court delays imposing sentence under subsection ~~(2)~~, **(4)**, the court shall include in the delayed sentence order that the department of corrections collect a supervision fee of \$30.00 multiplied by the number of months of delay ordered, but not more than 12 months, if the individual is placed on supervision without electronic monitoring. If the individual is placed on supervision with an electronic monitoring device under this subsection, the court shall include in the delayed sentence order that the department of corrections collect a supervision fee of \$60.00 multiplied by the number of months of supervision ordered under the delay of sentence, but not more than 12 months. The fee is payable when the delayed sentence order is entered, but the fee may be paid in monthly installments if the court approves installment payments for that defendant. The fee must be collected as provided in section 25a of the corrections code of 1953, 1953 PA 232, MCL 791.225a. ~~A person~~ **An individual** must not be subject to more than 1 supervision fee at the same time. If a supervision fee is ordered for ~~a person~~ **an individual** for any month or months during which that ~~person~~ **individual** already is subject to a supervision fee, the court shall waive the fee having the shorter remaining duration.

(6) ~~(4)~~ This section does not apply to a juvenile placed on probation and committed under section 1(3) or (4) of chapter IX to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309.

(7) ~~(5)~~ The court may waive the fee required to be collected under this section if the court determines the supervised individual is indigent.

(8) ~~(6)~~ As used in this section: ~~,"electronic~~

1 (a) "Assaultive crime" means that term as defined in section
2 4a of chapter IX.

3 (b) "Electronic monitoring device" includes any electronic
4 device or instrument that is used to track the location of an
5 individual, enforce a curfew, or detect the presence of alcohol in
6 an individual's body.

7 (c) "Interpersonal violence" means any offense that involves
8 physical force or the threat of physical force against an
9 individual with whom the defendant has a current or prior
10 relationship, including, but not limited to, domestic violence and
11 stalking.

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