

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

762.13 Assignment as youthful trainee; duties of court; fees; waiver of fee; "electronic monitoring device" defined.

Sec. 13.

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

(a) Except as provided in subsection (2), commit the individual to the department of corrections for custodial supervision and training for not more than 2 years. If the individual is less than 21 years of age, he or she must be committed to an institutional facility designated by the department for that purpose.

(b) Place the individual on probation for not more than 3 years subject to probation conditions as provided in section 3 of chapter XI. The terms and conditions of probation may include participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088.

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

(d) Except as provided in subsection (2), commit the individual to the department of corrections under subdivision (a) or to the county jail under subdivision (c), and then place the individual on probation for not more than 1 year subject to probation conditions as provided in section 3 of chapter XI.

(2) An individual assigned to the status of youthful trainee must not be committed to the department of corrections for custodial supervision and training under subsection (1)(a) or (d) if the underlying charge is for a violation of any of the following:

(a) Article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545.

(b) Section 110, 110a(4), 157n to 157v, 157w(1)(c), 227, 356, 357, 413, 530, or 535(3) or (7) of the Michigan penal code, 1931 PA 328, MCL 750.110, 750.110a, 750.157n to 750.157v, 750.157w, 750.227, 750.356, 750.357, 750.413, 750.530, and 750.535.

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

(4) An individual placed on probation under this section must be under the supervision of a probation officer. Upon commitment to and receipt by the department of corrections, a youthful trainee is subject to the direction of the department of corrections. If an individual is placed on probation following a commitment to the department of corrections under subsection (1)(d), a youthful trainee must be reassigned to the supervision of a probation officer.

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

(6) Except as provided in subsection (7), the court shall include in each order of probation for an individual placed on probation under this section that the department of corrections collect a probation supervision fee of \$30.00 multiplied by the number of months of probation ordered, but not more than 36 months, if the individual is placed on probation supervision without an electronic monitoring device. If the individual is placed on probation supervision under this subsection with an electronic monitoring device, the court shall include in its order of probation that the department of corrections collect a probation supervision fee of \$60.00 multiplied by the number of months of probation ordered, but not more than 36 months. The fee is payable when the probation order is entered, but the fee may be paid in monthly installments if the court approves installment payments for that probationer. The fee must be collected as provided in section 25a of the corrections code of 1953, 1953 PA 232, MCL 791.225a. A person must not be subject to more than 1 supervision fee at the same time. If a supervision fee is ordered for a person for any month or months during which that person already is subject to a supervision fee, the court shall waive the fee having the shorter remaining duration.

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

(8) 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.

History: Add. 1966, Act 301, Eff. Jan. 1, 1967 ;-- Am. 1993, Act 185, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 293, Eff. Jan. 1, 1994 ;-- Am. 1994, Act 286, Eff. Oct. 1, 1995 ;-- Am. 2002, Act 483, Eff. Oct. 1, 2002 ;-- Am. 2004, Act 226, Eff. Jan. 1, 2005 ;-- Am. 2004, Act 239, Eff. Oct. 1, 2004 ;-- Am. 2015, Act 33, Eff. Aug. 18, 2015 ;-- Am. 2019, Act 165, Eff. Mar. 19, 2020

Compiler's Notes: Enacting section 2 of Act 33 of 2015 provides: "Enacting section 2. This amendatory act applies to cases in which an individual is assigned to youthful trainee status on or after the effective date of this amendatory act."

