

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

771.4 Legislative intent; revocation of probation; procedure; sentence; section inapplicable to certain juveniles.

Sec. 4.

(1) It is the intent of the legislature that the granting of probation is a matter of grace requiring the agreement of the probationer to its granting and continuance.

(2) All probation orders are revocable subject to the requirements of section 4b of this chapter, but revocation of probation, and subsequent incarceration, should be imposed only for repeated technical violations, for new criminal behavior, as otherwise allowed in section 4b of this chapter, or upon request of the probationer. Hearings on the revocation must be summary and informal and not subject to the rules of evidence or of pleadings applicable in criminal trials.

(3) In its probation order or by general rule, the court may provide for the apprehension, detention, and confinement of a probationer accused of violating a probation condition.

(4) The method of hearing and presentation of charges are within the court's discretion, except that the probationer is entitled to a written copy of the charges constituting the claim that he or she violated probation and to a probation revocation hearing.

(5) Subject to the requirements of section 4b of this chapter, the court may investigate and enter a disposition of the probationer as the court determines best serves the public interest. If a probation order is revoked, the court may sentence the probationer in the same manner and to the same penalty as the court might have done if the probation order had never been made.

(6) 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.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17374 ;-- Am. 1947, Act 246, Imd. Eff. June 20, 1947 ;-- CL 1948, 771.4 ;-- Am. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999 ;-- Am. 2020, Act 397, Eff. Apr. 1, 2021

Compiler's Notes: Section 3 of Act 78 of 1988 provides: "This amendatory act shall take effect June 1, 1988." This section was amended by Act 181 of 1988 to read as follows: "This amendatory act shall take effect October 1, 1988."

Former Law: See section 4 of Act 105 of 1913, being CL 1915, § 2032; and Act 203 of 1925.