

Act No. 322  
Public Acts of 1994  
Approved by the Governor  
October 11, 1994  
Filed with the Secretary of State  
October 12, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

Introduced by Rep Nye

# **ENROLLED HOUSE BILL No. 5439**

AN ACT to amend section 8 of chapter IX of Act No 175 of the Public Acts of 1927 entitled as amended An act to revise consolidate and codify the laws relating to criminal procedure and to define the jurisdiction powers and duties of courts judges and other officers of the court under the provisions of this act to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations to provide for the examination of persons accused of criminal offenses to regulate the procedure relative to grand juries indictments informations and proceedings before trial to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases to provide a uniform system of probation throughout this state and the appointment of probation officers to prescribe the powers duties and compensation of probation officers to provide penalties for the violation of the duties of probation officers to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime to provide for fees of officers witnesses and others in criminal and ordinance violation cases to set forth miscellaneous provisions as to criminal procedure in certain cases to provide penalties for the violation of certain provisions of this act and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act being section 769 8 of the Michigan Compiled Laws

*The People of the State of Michigan enact*

Section 1 Section 8 of chapter IX of Act No 175 of the Public Acts of 1927 being section 769 8 of the Michigan Compiled Laws is amended to read as follows

## **CHAPTER IX**

Sec 8 (1) When a person is convicted for the first time for committing a felony and the punishment prescribed by law for that offense may be imprisonment in a state prison the court imposing sentence shall not fix a definite term of imprisonment but shall fix a minimum term except as otherwise provided in this chapter The maximum penalty provided by law shall be the maximum sentence in all cases except as provided in this chapter and shall be stated by the judge in imposing the sentence

(2) If the defendant sentenced to an indeterminate term is a person who will be a prisoner subject to disciplinary time under section 34 of Act No 118 of the Public Acts of 1893 being section 800 34 of the Michigan Compiled Laws the court shall advise the defendant that his or her minimum term may be extended by the addition of disciplinary time pursuant to section 34 of Act No 118 of the Public Acts of 1893 for misconduct while a prisoner

(3) Before or at the time of imposing the sentence the judge shall ascertain by examining the convict under oath or otherwise and by other evidence as can be obtained tending to indicate briefly the causes of the criminal character or conduct of the convict which facts and other facts that appear to be pertinent in the case the judge shall cause to be entered upon the minutes of the court

Section 2 This amendatory act shall take effect on the date that sentencing guidelines are enacted into law after the sentencing commission submits its report to the secretary of the senate and the clerk of the house of representatives pursuant to sections 31 to 34 of chapter IX of the code of criminal procedure Act No 175 of the Public Acts of 1927 as added by the amendatory act resulting from House Bill No 4782 of the 87th Legislature

Section 3 This amendatory act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law

- (a) Senate Bill No 40
- (b) Senate Bill No 41
- (c) House Bill No 4782

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor

RECEIVED  
JAN 11 1988  
CLERK OF THE HOUSE OF REPRESENTATIVES