

# SENATE BILL No. 1359

May 23, 2002, Introduced by Senator NORTH and referred to the Committee on Appropriations.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending sections 25a and 36a (MCL 791.225a and 791.236a),  
section 25a as added by 1993 PA 184 and section 36a as amended by  
1993 PA 346.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 25a. (1) The department shall collect supervision fees  
2 ordered under section 13(2) of chapter II or section 1 or 3c of  
3 chapter XI of the code of criminal procedure, ~~Act No. 175 of the~~  
4 ~~Public Acts of 1927, being sections 762.13, 771.1, and 771.3c of~~  
5 ~~the Michigan Compiled Laws~~ 1927 PA 175, MCL 762.13, 771.1, AND  
6 771.3C. The department shall maintain records of supervision  
7 fees ordered by the court, including records of payment by  
8 persons subject to supervision fees and any amounts of  
9 supervision fees past due and owing.

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1 (2) A supervision fee is payable when the order of delayed  
2 sentence or order of probation is entered, unless the court  
3 allows a person who is subject to a supervision fee to pay the  
4 fee in monthly installments.

5 (3) The department shall waive any applicable supervision  
6 fee for a person who is transferred to another state under the  
7 interstate compact entered into pursuant to ~~Act No. 89 of the~~  
8 ~~Public Acts of 1935, being sections 798.101 to 798.103 of the~~  
9 ~~Michigan Compiled Laws~~ 1935 PA 89, MCL 798.101 TO 798.103, OR  
10 THE INTERSTATE COMPACT ENTERED INTO PURSUANT TO 2002 PA 40,  
11 MCL 3.1011 TO 3.1012, for the months during which he or she is in  
12 another state. The department shall collect a supervision fee of  
13 not more than ~~\$30.00~~ \$135.00 per month for each month of super-  
14 vision in this state for an offender transferred to this state  
15 under ~~that~~ AN interstate compact. In determining the amount of  
16 the fee, the department shall consider the offender's projected  
17 income and financial resources. The department shall use the  
18 following table of projected monthly income in determining the  
19 amount of the fee:

20	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
21	\$ 0-249.99	\$ 0.00
22	\$ 250.00-499.99	\$10.00

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1           \$ 500.00-749.99                   ~~-\$20.00~~ \$25.00

2           \$ 750.00-999.99 ~~or more~~       ~~-\$30.00~~ \$40.00

3           \$1,000.00 OR MORE                   5% OF MONTHLY INCOME,

4   BUT NOT MORE THAN

5   \$135.00

6 The department may collect a higher amount than indicated by the  
7 table, up to the maximum of ~~-\$30.00~~ \$135.00 for each month of  
8 supervision in this state, if the department determines that the  
9 offender has sufficient assets or other financial resources to  
10 warrant the higher amount. If the department collects a higher  
11 amount, the amount and the reasons for collecting that amount  
12 shall be stated in the department records.

13       (4) If a person who is subject to a supervision fee is also  
14 subject to any combination of fines, costs, restitution orders,  
15 assessments, or payments arising out of the same criminal pro-  
16 ceeding, the allocation of money collected for those obligations  
17 shall be as otherwise provided in the code of criminal procedure,  
18 ~~Act No. 175 of the Public Acts of 1927, being sections 760.1 to~~  
19 ~~776.21 of the Michigan Compiled Laws~~ 1927 PA 175, MCL 760.1 TO  
20 777.69.

21       (5) Twenty percent of the money collected by the department  
22 under this section shall be allocated for administrative costs  
23 incurred by the department in collecting supervision fees and for  
24 enhanced services, as described in this subsection. Enhanced  
25 services include, but are not limited to, the purchase of

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1 services for offenders such as counseling, employment training,  
2 employment placement, or education; public transportation  
3 expenses related to training, counseling, or employment; enhance-  
4 ment of staff performance through specialized training and equip-  
5 ment purchase; and purchase of items for offender employment.  
6 The department shall develop priorities for expending the money  
7 for enhanced services in consultation with circuit judges in this  
8 state. At the end of each fiscal year, the unexpended balance of  
9 the money allocated for administrative costs and enhanced serv-  
10 ices shall be available for carryforward to be used for the pur-  
11 poses described in this subsection in subsequent fiscal years.  
12 ~~Money received by the department pursuant to this subsection in~~  
13 ~~the fiscal year ending September 30, 1994 is appropriated for the~~  
14 ~~purposes described in this subsection.~~

15 (6) If a person has not paid the full amount of a supervi-  
16 sion fee upon being discharged from probation, or upon termina-  
17 tion of the period of delayed sentence for a person subject to  
18 delayed sentence, the department shall review and compare the  
19 actual income of the person during the period of probation or  
20 delayed sentence with the income amount projected when the super-  
21 vision fee was ordered. If the department determines that the  
22 person's actual income did not equal or exceed the projected  
23 income, the department shall waive any unpaid amount in excess of  
24 the total amount that the person would have been ordered to pay  
25 if the person's income had been accurately projected, unless the  
26 court order states that a higher amount was ordered due to  
27 available assets or other financial resources. Any unpaid

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1 amounts not waived by the department shall be reported to the  
2 department of treasury. The department of treasury shall attempt  
3 to collect the unpaid balances pursuant to section 30a of ~~Act~~  
4 ~~No. 122 of the Public Acts of 1941, being section 205.30a of the~~  
5 ~~Michigan Compiled Laws~~ 1941 PA 122, MCL 205.30A. Money col-  
6 lected under this subsection shall not be allocated for the pur-  
7 poses described in subsection (5).

8       Sec. 36a. (1) The parole board shall include in each order  
9 of parole that the department of corrections shall collect a  
10 parole supervision fee of not more than ~~\$30.00~~ \$135.00 multi-  
11 plied by the number of months of parole ordered, but not more  
12 than 60 months. The fee is payable when the parole order is  
13 entered, but the fee may be paid in monthly installments if the  
14 parole board approves installment payments for that parolee. In  
15 determining the amount of the fee, the parole board shall con-  
16 sider the parolee's projected income and financial resources.  
17 The parole board shall use the following table of projected  
18 monthly income in determining the amount of the fee to be  
19 ordered:

20	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
21	\$       0-249.99	\$ 0.00
22	\$   250.00-499.99	\$10.00

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1           \$ 500.00-749.99                   ~~-\$20.00~~ \$25.00

2           \$ 750.00-999.99 ~~or more~~       ~~-\$30.00~~ \$40.00

3           \$1,000.00 OR MORE                   5% OF MONTHLY INCOME,

4   BUT NOT MORE THAN

5   \$135.00

6 The parole board may order a higher amount than indicated by the  
7 table, up to the maximum of ~~-\$30.00~~ \$135.00 multiplied by the  
8 number of months of parole ordered but not more than 60 months,  
9 if the parole board determines that the parolee has sufficient  
10 assets or other financial resources to warrant the higher  
11 amount. If the parole board orders a higher amount, the amount  
12 and the reasons for ordering that amount shall be stated in the  
13 parole order.

14       ~~(2) A parole oversight fee ordered before October 1, 1993,~~  
15 ~~pursuant to this section as it existed before this section was~~  
16 ~~amended by Act No. 184 of the Public Acts of 1993 remains~~  
17 ~~enforceable according to the terms of that parole order notwith-~~  
18 ~~standing the amendments to this section made by Act No. 184 of~~  
19 ~~the Public Acts of 1993.~~

20       (2) ~~(3)~~ If a person who is subject to a supervision fee  
21 ~~imposed on or after May 1, 1994~~ is also subject to any combina-  
22 tion of fines, costs, restitution, assessments, or payments aris-  
23 ing out of the same criminal proceeding, the allocation of money  
24 collected for those obligations shall be as provided in section  
25 22 of chapter XV of the code of criminal procedure, ~~Act No. 175~~

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1 ~~of the Public Acts of 1927, being section 775.22 of the Michigan~~  
2 ~~Compiled Laws~~ 1927 PA 175, MCL 775.22.

3 (3) ~~(4)~~ A person shall not be subject to more than 1  
4 parole supervision fee at the same time. If a parole supervision  
5 fee is ordered for a parolee for any month or months during which  
6 that parolee already is subject to a parole supervision fee, the  
7 department shall waive the fee having the shorter remaining  
8 duration.

9 (4) ~~(5)~~ The department shall waive the parole supervision  
10 fee for a parolee who is transferred to another state under the  
11 interstate compact entered into pursuant to ~~Act No. 89 of the~~  
12 ~~Public Acts of 1935, being sections 798.101 to 798.103 of the~~  
13 ~~Michigan Compiled Laws~~ 1935 PA 89, MCL 798.101 TO 798.103, OR  
14 THE INTERSTATE COMPACT ENTERED INTO PURSUANT TO 2002 PA 40,  
15 MCL 3.1011 TO 3.1012, for the months during which he or she is in  
16 another state. The department shall collect a parole supervision  
17 fee of not more than ~~-\$30.00-~~ \$135.00 per month for each month of  
18 parole supervision in this state for an offender transferred to  
19 this state under ~~that~~ AN interstate compact. In determining  
20 the amount of the fee, the department shall consider the  
21 parolee's projected income and financial resources. The depart-  
22 ment shall use the following table of projected monthly income in  
23 determining the amount of the fee:

24 

<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
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1	\$	0-249.99	\$ 0.00
2	\$	250.00-499.99	\$10.00
3	\$	500.00-749.99	<del>-\$20.00</del> \$25.00
4	\$	750.00-999.99 <del>or more</del>	<del>-\$30.00</del> \$40.00
5		\$1,000.00 OR MORE	5% OF MONTHLY INCOME,
6			BUT NOT MORE THAN
7			\$135.00

8 The department may collect a higher amount than indicated by the  
9 table, up to the maximum of ~~-\$30.00~~ \$135.00 for each month of  
10 parole supervision in this state, if the department determines  
11 that the parolee has sufficient assets or other financial  
12 resources to warrant the higher amount. If the department col-  
13 lects a higher amount, the amount and the reasons for collecting  
14 that amount shall be stated in the department records.

15 (5) ~~(6)~~ Twenty percent of the money collected by the  
16 department under this section shall be allocated for administra-  
17 tive costs incurred by the department in collecting parole super-  
18 vision fees and for enhanced services, as described in this  
19 subsection. Enhanced services include, but are not limited to,  
20 the purchase of services for parolees such as counseling, employ-  
21 ment training, employment placement, or education; public trans-  
22 portation expenses related to training, counseling, or  
23 employment; enhancement of staff performance through specialized

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1 training and equipment purchase; and purchase of items for  
2 parolee employment. At the end of each fiscal year, the unex-  
3 pended balance of the money allocated for administrative costs  
4 and enhanced services shall be available for carryforward to be  
5 used for the purposes described in this subsection in subsequent  
6 fiscal years. ~~Money received by the department pursuant to this~~  
7 ~~subsection in the fiscal year ending September 30, 1994 is appro-~~  
8 ~~priated for the purposes described in this subsection.~~

9 (6) ~~(7)~~ If a parolee has not paid the full amount of the  
10 parole supervision fee upon being discharged from parole, the  
11 department shall review and compare the actual income of the  
12 person during the period of parole with the income amount  
13 projected when the parole supervision fee was ordered. If the  
14 department determines that the parolee's actual income did not  
15 equal or exceed the projected income, the department shall waive  
16 any unpaid amount in excess of the total amount that the parolee  
17 would have been ordered to pay if the parolee's income had been  
18 accurately projected, unless the parole order states that a  
19 higher amount was ordered due to available assets or other finan-  
20 cial resources. Any unpaid amounts not waived by the department  
21 shall be reported to the department of treasury. The department  
22 of treasury shall attempt to collect the unpaid balances pursuant  
23 to section 30a of ~~Act No. 122 of the Public Acts of 1941, being~~  
24 ~~section 205.30a of the Michigan Compiled Laws~~ 1941 PA 122,  
25 MCL 205.30A. Money collected under this subsection shall not be  
26 allocated for the purposes described in subsection ~~(6)~~ (5).