

Comparison Between Deferred Judgments, Delayed Sentences, and Traditional Sentences

Updated 12/22/21

Action	Deferred Judgment of Guilt ¹	Delayed Sentence ²	Traditional Sentencing
Pleads guilty or is found guilty	Judgment of guilt not entered.	Judgment of guilt entered on underlying charge.	Judgment of guilt entered.
Supervision or sentencing options	Defer entry of the judgement of guilt and place on probation. May place in drug court, veterans' treatment court, or mental health court, if otherwise eligible.	May supervise under delay up to 1 year. The court shall enter an order stating the reason for the delay upon the court's records.	Proceed to sentencing. Court may place on traditional probation or in drug treatment court.
Monetary Assessments	May assess a fine, costs, probation oversight, and restitution. Minimum State Cost required if any combination of fines, costs, and other assessments ordered. Crime Victim Assessment required as applicable to violation. Bond shall be applied to monetary sanctions.	May assess a fine, costs, supervision fee (only in circuit court) ³ , and restitution. Minimum State Cost required if any combination of fines, costs, and other assessments ordered. Crime Victim Assessment required as applicable to violation. Bond shall be applied to monetary sanctions.	May assess a fine, costs, probation oversight, and restitution. Minimum State Cost required if any combination of fines, costs, and other assessments ordered. Crime Victim Assessment required as applicable to violation. Bond shall be applied to monetary sanctions.
Caseload Reporting	Report as Guilty Plea, Bench Verdict, or Jury Verdict.	Report as Guilty Plea, Bench Verdict, or Jury Verdict.	Report as Guilty Plea, Bench Verdict, or Jury Verdict.
MSP Criminal History Reporting	Report deferred judgment of guilt.	Report judgment of guilt, including monetary assessments. Enter "sentence delayed until _____" in free-text area of the disposition report. Do not enter any adjudication on a notice of enhanced sentence. ⁴	Report judgment of guilt, including monetary assessments. At sentencing, report judgment of sentence, including any disposition on any enhanced sentencing notice.
SOS Abstract Reporting	Report Minor in Possession as "deferred" if under MCL 436.1703; otherwise no reporting required.	Abstract reportable offenses pursuant to MCL 257.732.	Abstract reportable offenses pursuant to MCL 257.732.
Court Record Status	Nonpublic at time of deferral/assignment.	Public. (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)	Public/ (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)

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Updated 12/07/21

Supervision or Probation is Successfully Completed			
Action	Deferred Judgment of Guilt	Delayed Sentence	Traditional Sentencing
Court Action After Supervision or Probation Period Ends	Discharge from probation and dismiss.	Conviction on underlying charge remains until the plea is withdrawn. Once withdrawn, prosecutor can either reduce or dismiss charge. If charge is not dismissed, court discharges defendant from supervision and proceeds to sentencing.	Conviction remains. Court discharges defendant from probation.
MSP Criminal History Reporting	Report successful completion of probation and dismissal.	Report judgment of sentence. Include the final disposition on any enhanced sentencing notice.	None required.
SOS Abstract Reporting	Report dismissal if Minor in Possession under 436.1703; otherwise no reporting required.	Abstract any changes to reportable offenses pursuant to MCL 257.732. ⁵	None required.
Court Record Status	Nonpublic at time of deferral/assignment.	Public. (For drug court participants the file is public, but record of participation in drug court is nonpublic.)	Public. (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)

Supervision or Probation is Unsuccessfully Terminated			
Action	Deferred Judgment of Guilt	Delayed Sentence	Traditional Sentencing
Court Action After Supervision or Probation Period Ends	Enter judgment of guilt. Discharge probation as unsuccessful and proceed to further sentencing at court's discretion.	Proceed to sentencing.	Revoke probation and proceed to further sentencing at court's discretion.
MSP Criminal History Reporting	Report judgment of guilt and sentence, including jail or prison time if applicable.	Report the sentence imposed, including jail or prison time when applicable or disposition on any enhanced sentencing notice.	Report any amended sentence, including jail or prison time imposed when applicable.
SOS Abstract Reporting	Report date judgment of guilt entered if a reportable offense pursuant to MCL 257.732.	Abstract changes to reportable offenses pursuant to MCL 257.732. ⁶	None required.
Court Record Status	Public. (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)	Public. (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)	Public. (For drug court participants, the file is public, but record of participation in drug court is nonpublic.)

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¹ MCL 762.13, HYTA; MCL 333.7411, Controlled Substance; MCL 769.4a, Domestic Violence; MCL 750.350a, Parental Kidnapping; MCL 750.430, Health Professional Practicing Under Influence; MCL 436.1703, Minor in Possession of Alcohol; MCL 750.430, Licensed Health Care Professional Practicing under the Influence of Drugs or Alcohol. MCL 600.1076(6) Drug Treatment Court, MCL 600.1206(1)(i) and MCL 600.1209(6) Veterans Treatment Court, MCL 600.1090, et seq. Mental Health Court.

² MCL 771.1(2) “In an action in which the court may place the defendant on probation, the court may delay sentencing the defendant for not more than 1 year to give the defendant an opportunity to prove to the court his or her eligibility for probation or other leniency compatible with the ends of justice and the defendant's rehabilitation, such as participation in a drug treatment court under chapter 10A of the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082. When sentencing is delayed, the court shall enter an order stating the reason for the delay upon the court's records. The delay in passing sentence does not deprive the court of jurisdiction to sentence the defendant at any time during the period of delay.”

³ MCL 771.1(3) only provides for a supervision fee on a delayed sentence if the defendant is before the circuit court.

⁴ On a notice of enhanced sentence, the enhancement is not determined until sentencing. In many delayed sentence cases, the court may have approved a plea agreement that would provide for a reduction in the enhancement (e.g. a 3rd offense notice on a DWI reduced to a 2nd offense notice upon successful completion of supervision).

⁵ *People v McCann*. 314 Mich App. 605, (2016).

⁶ *People v McCann*. 314 Mich App. 605, (2016).