

MICHIGAN JOINT TASK FORCE ON JAIL AND PRETRIAL INCARCERATION

LEGISLATIVE ANALYSIS



State Court Administrative Office

Revised: July 2021

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APPEARANCE CITATIONS

Bill	Public Act	Effective Date	Description
SB 1046	2020 PA 393	04/01/21	Modifies procedures for and authority to issue appearance tickets in lieu of arrest in criminal cases.
SB 0438	2021 PA 39	07/01/21	Exception to the presumption for issuance of appearance tickets in lieu of arrest in operating while intoxicated offenses.

Expanded Authority

1. **Amended** 764.9c(1) – Amendment eliminates language that previously restricted appearance tickets to misdemeanors punishable *by not more than 93 days in jail*. Law enforcement may now issue appearance tickets for “a misdemeanor or ordinance violation” subject to the restrictions in MCL 764.9c(3), which are discussed below under the heading Ineligible Offenses. Additionally, appearance tickets issued under this section must now be “forwarded to the court, appropriate prosecuting authority, or both, for review without delay.”
2. **Amended** 764.9f(1) – Amendment modifies the definition of “appearance ticket” by eliminating language restricting its use to offenses punishable by no more than 93 days in jail. The amendment also requires that the appearance ticket “provide a space for the defendant’s cellular telephone number and electronic mail address, if applicable[.]”

Ineligible Offenses

1. **Amended** 764.9c(3) – Amendment identifies offenses ineligible for appearance tickets. Law enforcement ***may not*** issue appearance tickets for the following:
 - a. **Domestic Violence:** A person arrested for a domestic violence violation of MCL 750.81 or MCL 750.81a, or a local ordinance substantially corresponding to those violations, ***or an offense involving domestic violence as defined in MCL 400.1501.***¹
 - b. **PPO:** A person subject to detainment for violating a personal protection order.
 - c. **Period of Confinement:** A person subject to a mandatory period of confinement, condition of bond, or other condition of release until he or she has served that

¹ “Domestic Violence” is broadly defined in MCL 400.1501 as the occurrence of any of the following acts by a person that is not an act of self-defense: (1) causing or attempting to cause physical or mental harm to a family or household member, (2) placing a family or household member in fear of physical or mental harm, (3) causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, (4) engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

period of confinement or meets that requirement of bond or other condition of release.

d. Serious Misdemeanor: A person arrested for a serious misdemeanor.²

e. Assaultive Crime: A person arrested for any other assaultive crime.³

Required Appearance Tickets

1. **New Subsection 764.9c(4)** – Subject to MCL 764.9c(5), and excluding the ineligible offenses identified in MCL 764.9c(3) and an operating while intoxicated offense⁴, this section specifies that law enforcement “shall” issue an appearance ticket and release a person from custody if the person has been arrested for a misdemeanor or ordinance violation with a maximum permissible penalty that doesn’t exceed one year in jail or a fine, or both.
2. **New Subsection 764.9c(5)** – Instead of issuing an appearance ticket required in MCL 764.9c(4), the police officer may instead take the arrested person before a magistrate and file a complaint under any one of the following circumstances:
 - a. **Reasonable Instructions:** The arrested person refuses to follow the police officer’s reasonable instructions.
 - b. **Identification:** The arrested person will not offer satisfactory evidence of identification.
 - c. **Community Safety:** There is a reasonable likelihood the offense would continue or resume, or that another person or property would be endangered if the arrested person is released from custody.
 - d. **Wellbeing:** The arrested person presents an immediate danger to himself or herself or requires immediate medical examination or medical care.
 - e. **Defendant Request:** The arrested person requests to be taken immediately before a magistrate.
 - f. **Other:** Any other reason that the police officer may deem reasonable to arrest the person which must be articulated in the arrest report.

² For purposes of MCL 764.9c, “serious misdemeanor” is defined in MCL 780.811. MCL 764.9c(9)(b). See Appendix B for a complete list of qualifying offenses.

³ For purposes of MCL 764.9c, “assaultive crime” is defined in MCL 770.9a(3). MCL 764.9c(9)(a). See Appendix A for a complete list of qualifying offenses.

⁴ A police officer may, but is not required to, issue an appearance ticket to a person arrested for an operating while intoxicated offense instead of taking the person before a magistrate and immediately issuing a complaint. See MCL 764.9c(3)-(4). “Operating while intoxicated offense,” as defined in MCL 764.9c(9)(b), is not included in the types of offenses for which an appearance ticket may not be issued, as set forth in MCL 764.9c(3).

Appearance Ticket Procedure

1. **New Subsection 764.9c(6)** – If the officer arrests the person under MCL 764.9c(5) instead of issuing an appearance ticket, the officer must specify the reason for not issuing a ticket in the arrest report or other document, and must forward the arrest report or other documentation, as requested, to the appropriate prosecuting authority for review without delay.
2. **New Subsection 764.9c(7)** – An arrested person taken into custody under MCL 764.9c(6) instead of receiving an appearance ticket, must be charged by the prosecuting authority or released from custody ***not later than 3:00 p.m. the immediately following day*** during which arraignments may be performed.
3. **New Subsection 764.9c(8)** – Clarifies this section does not create a right to appearance tickets in lieu of arrest. An arrested person may appeal the legality of his or her arrest as provided by law; however, an arrested person does not have a claim for damages against a police officer or law enforcement agency because he or she was arrested rather than issued an appearance ticket.

SUMMONS AND BENCH WARRANTS

Bill	Public Act	Effective Date	Description
SB 1047	2020 PA 394	04/01/21	Modifies procedures relating to the issuance of bench warrants for failure to appear and for other processes related to arrest warrants.

Voluntary Appearance – Warrants

1. **New Section 762.10d(1)** – Except for assaultive crimes⁵ or domestic violence⁶ offenses, a person who is wanted on a bench or arrest warrant who voluntarily presents himself or herself to the court that issued the warrant within one year of the warrant issuance must be processed according to this section.
2. **New Section 762.10d(2)** – If a judicial officer is available to arraign the defendant within two hours of the person’s appearance, the court must arraign the person and set the case for the next stage of criminal proceedings. ***It is presumed the person is not a flight risk when the court sets bond or other conditions of release at an arraignment under this section.***
 - a. **New Section 762.10d(3)** – If a judicial officer is not available to arraign the person within two hours, the court must recall the warrant and schedule the case for a future arraignment.
3. **New Section 762.10d(4)** – A court may deny this procedure if a person has already benefitted from the procedure ***on any pending criminal charges.***

Criminal Summons

1. **Amended 764.1** – Amendment establishes a similar issuance process for criminal summonses as arrest warrants.
2. **New Subsection 764.1a(2)** – Specifies a magistrate ***must*** issue a summons rather than a warrant except in any of the following circumstances:
 - a. **Assaultive Crime:** The complaint is for an assaultive crime⁷ or an offense involving domestic violence.⁶
 - b. **Failure to Appear:** The clerk or magistrate has reason to believe from the complaint that the person will not appear upon a summons.

⁵ For purposes of MCL 762.10d, “assaultive crime” is defined by MCL 762.10d(5)(a). See Appendix A for a complete list of qualifying offenses.

⁶ For purposes of MCL 762.10d and MCL 764.1a, “domestic violence” is defined by MCL 400.1501. MCL 762.10d(5)(b); 764.1a(9)(c).

⁷ For purposes of MCL 764.1a, “assaultive crime” is defined by MCL 764.1a(9)(a). See Appendix A for a complete list of qualifying offenses.

- c. **Public Safety:** The issuance of a summons poses a risk to public safety.
 - d. **Prosecutor Request:** The prosecutor has requested a warrant.
3. **New Subsection 764.1a(3)** – A summons must be in the same form as a warrant except that it must summon the defendant to appear before a court at a stated date and time. The summons must be served upon a defendant by delivering a copy to him or her personally, by leaving it at his or her dwelling house or usual place of abode with some person of suitable age and discretion residing at that place, or by mailing it to the defendant’s last known address. If a defendant fails to appear in response to the summons, a warrant may be issued.

Failure to Appear in Court⁸

1. **New Section 764.3(1)** – Except in cases of assaultive crimes⁹ or domestic violence,¹⁰ in the event a defendant fails to appear for a court hearing, and it is the defendant’s first failure to appear in the case, there is a rebuttable presumption that ***the court must wait 48 hours before issuing a bench warrant to allow the defendant to voluntarily appear***. If the defendant does not appear within 48 hours, the court shall issue a bench warrant unless the court believes there is good reason to instead schedule the case for further hearing.
- a. **New Section 764.3(2)** – When a court delays the issuance of a warrant, the court shall not revoke the release order or declare bond money forfeited. The court may enter the order revoking pretrial release and forfeiting bond upon the issuance of the arrest warrant.
 - b. **New Section 764.3(3)** – The court may overcome the 48-hour presumption and immediately issue a warrant if the court has a specific articulable reason to suspect any of the following:
 - i. **New Crime:** The defendant has committed a new crime.
 - ii. **Public Safety:** A person or property will be endangered if a bench warrant is not issued.
 - iii. **Witnesses:** Prosecution witnesses have been summoned and are present for the proceeding.
 - iv. **Sentencing:** The proceeding is to impose a sentence for the crime.

⁸ See Appendix D for a flowchart regarding the FTA process.

⁹ For purposes of MCL 764.3, “assaultive crime” is defined by MCL 764.3(5)(a). See Appendix A for a complete list of qualifying offenses.

¹⁰ For purposes of MCL 764.3, “domestic violence” is defined by MCL 400.1501. MCL 764.3(5)(b).

- v. **Other:** There are other compelling circumstances that require the immediate issuance of a bench warrant.
- c. **New Section 764.3(4)** – If the court departs from the 48-hour presumption and issues an immediate bench warrant, the court *must state its reasons for doing so on the record*.
- 2. **New Subsection 764.9e(2)** – In the event a defendant fails to appear for a court hearing within the time the *appearance ticket* is returnable, there is a rebuttable presumption that the court must issue an order to show cause why the defendant failed to appear instead of issuing a warrant.
 - a. **New Subsection 764.9e(3)** – The court may overcome the presumption and issue a warrant if it has a specific articulable reason to suspect that any of the following apply:
 - i. **New Crime:** The defendant has committed a new crime.
 - ii. **Avoid/Delay Adjudication:** The defendant’s failure to appear is the result of a willful intent to avoid or delay the adjudication of the case.
 - iii. **Public Safety:** Another person or property will be endangered if a warrant is not issued.
 - b. **New Subsection 764.9e(4)** – If the court overcomes the show-cause presumption, the court *must state its reasons for doing so on the record*.

Out-of-County Arrests

- 1. **New Section 764.6f(1)** – Each district court and county jail shall establish a communication protocol to enable the swift processing of individuals detained on a warrant of arrest that originated in another county.
- 2. **New Section 764.6f(2)** – Each district court shall establish a hearing protocol for individuals detained on a warrant of arrest that originated in another county. This protocol must include the use of 2-way interactive video technology, when appropriate.
- 3. **New Section 765.6e(1)** – Except for assaultive crimes¹¹ or domestic violence,¹² a person who is detained on an arrest warrant in a county other than the county from which the warrant originated must be released from custody if the county from which the warrant originated *does not make arrangements within 48 hours* from the time the person was detained to pick the person up *and does not in fact pick the person up within 72 hours* after the time he or she was detained.

¹¹ For purposes of MCL 765.6e, “assaultive crime” is defined by MCL 765.6e(2)(a). See Appendix A for a complete list of qualifying offenses.

¹² For purposes of MCL 765.6e, “domestic violence” is defined by MCL 400.1501. MCL 765.6e(2)(b).

- a. If a person is released from custody under this section, the releasing facility must contact the originating court and obtain a court date for the defendant to appear.

JUDGMENT AND SENTENCE

Bill	Public Act	Effective Date	Description
SB 1048	2020 PA 395	03/24/21	Creates a rebuttable presumption for nonjail and nonprobationary sentences in certain misdemeanor cases.

Nonjail, Nonprobation Sentence

1. ***New Subsection*** 769.5(3) – Establishes a rebuttable presumption that the court shall sentence an individual convicted of a misdemeanor, ***other than a serious misdemeanor***,¹³ with a fine, community service, or other nonjail or nonprobation sentence.
 - a. ***New Subsection*** 769.5(4) – The court may depart from the presumption if the court finds reasonable grounds for the departure and ***states on the record the grounds for the departure***.

Contempt of Court

1. ***New Subsection*** 769.5(5) – If the sentenced person has not complied with the sentence, including a nonjail or nonprobation sentence, the court may order the person to show cause why they should not be held in contempt. If the person is found in contempt, the court may impose an additional sentence, including jail or probation if appropriate.
 - a. ***New Subsection*** 769.5(6) – If the finding of contempt is for the nonpayment of fines, costs, or other legal financial obligations, the court must find on the record that the person is able to comply with the payments without manifest hardship, and that the person has not made a good-faith effort to do so, before imposing an additional sentence.

Intermediate Sanctions

1. ***Amended*** 769.31(b) – Amendment clarifies that imprisonment in county jail is no longer considered an “intermediate sanction.”
2. ***Amended*** 769.34(4)(a) – Amendment clarifies the court shall impose an intermediate sanction if the upper limit of the recommended minimum sentence under the sentencing guidelines is 18 months or less, “...unless the court states on the record reasonable grounds to sentence the individual to incarceration in a county jail for not more than 12 months or to the jurisdiction of the department of corrections for any sentence over 12 months.”

¹³ For purposes of MCL 769.5, “serious misdemeanors” are defined by MCL 780.811. MCL 769.5(7). See Appendix B for a complete list of qualifying offenses.

Sentencing Guidelines

1. ***Amended*** 769.34(2) – Amendment changes “shall” to “may” regarding minimum sentences. The minimum sentence imposed by a court for certain felonies “may” be within the appropriate sentence range.
2. ***Amended*** 769.34(3) – Amendment changes the burden courts must meet before departing from the sentencing guidelines. The departure must now only be “reasonable” rather than for a “substantial and compelling reason.”
3. ***Repealed*** 769.34(11) – Section previously required the court of appeals to remand a case upon finding that a trial court did not have a substantial and compelling reason for departing from the sentencing range.

HOLMES YOUTHFUL TRAINEE ACT (HYTA)

Bill	Public Act	Effective Date	Description
SB 1049	2020 PA 396	03/24/21	Amends age limit for eligibility for, and certain procedures related to, youthful trainee status.

Expanded HYTA Eligibility

1. ***Amended*** 762.11(1) – Amendment clarifies that, until October 1, 2021, HYTA age eligibility is for offenses committed on or after the individual’s 17th birthday but before his or her 24th birthday.
2. ***Amended*** 762.11(2) – Beginning October 1, 2021, HYTA age eligibility is for offenses committed on or after the individual’s 18th birthday but ***before his or her 26th birthday***. If the offense was committed on or after the individual’s 21st birthday but before his or her 26th birthday, ***the prosecuting attorney must consent to HYTA***.

Victim Consultation

1. ***Amended*** 762.11(2) – Beginning October 1, 2021, if a defendant is charged with an offense under MCL 762.11(3) and the defendant pleads guilty to any other offense or will be eligible for the status of HYTA under MCL 762.11(4), ***the prosecutor shall consult with the victim regarding the applicability of this section***.

PROBATION

Bill	Public Act	Effective Date	Description
SB 1050	2020 PA 397	04/01/21	Amends the maximum length of probationary sentences, certain procedures related to early discharge, and probation violations.

Length of Probation

1. **Amended** 771.2(1) – Except as provided in MCL 771.2a and MCL 768.36 (guilty but mentally ill), the amendment reduces the maximum period of probation for felonies *from five years to three years*. However, the probation term for felonies may be extended not more than two times for not more than one additional year for each extension *if the court finds*:
 - a. There is a specific rehabilitation goal that has not yet been achieved; *or*
 - b. There is a specific, articulable, and ongoing risk of harm to a victim that can be mitigated only with continued probation supervision.
2. **New Subsection** 771.2a(4) – The court may place an individual convicted of *a violent felony*¹⁴ on probation for not more than 5 years, excluding the following offenses:
 - a. MCL 750.411i (Aggravated Stalking) – any term of years, not less than 5.
 - b. Juvenile placed on probation and committed under MCL 769.1(3) or (4).

Early Probation Discharge – Eligibility & Notice

Eligibility

1. **Amended** 771.2(2) – Except as provided in MCL 771.2(10), MCL 771.2a, and MCL 768.36, the amendment establishes a process for misdemeanor and felony defendants to be discharged early from probation. After a defendant completes half of the original probation period, the defendant may be eligible for early discharge. *The defendant must be notified at sentencing of his or her eligibility and the requirements for early discharge from probation, and the procedure provided in MCL 771.2(3) to notify the court of his or her eligibility.*
2. **New Subsection** 771.2(4) – As long as a probationer has made good-faith efforts to make payments, they must not be considered ineligible for early discharge because of an inability to pay for the conditions of their probation, or for outstanding court-ordered fines, fees, or costs. Nothing in this subsection relieves a probationer from court-ordered financial obligations after discharge from probation.

¹⁴ For purposes of MCL 771.2a, “violent felony” is defined in MCL 791.236. MCL 771.2a(14)(g). See Appendix A for a list of qualifying offenses.

3. **New Subsection 771.2(10)** – A defendant who was convicted of one or more of the following crimes is ***not eligible*** for reduced probation.

MCL	Offense
750.81	Domestic Violence – 1 st Offense
750.81	Domestic Violence – 2 nd Offense
750.81	Domestic Violence – 3 rd Offense
750.81a	Domestic Violence – Aggravated
750.81a	Domestic Violence – Aggravated – 2 nd Offense
400.1501	Offense Involving Domestic Violence as Defined by MCL 400.1501
750.84	Assault with Intent To Do Great Bodily Harm Less Than Murder or By Strangulation
750.411h	Stalking
750.411h	Stalking A Minor
750.411i	Stalking A Minor – Aggravated
750.411i	Stalking – Aggravated
750.520c	CSC 2 nd Degree
750.520e	CSC 4 th Degree
28.722	“Listed Offense,” meaning a tier I, II, or III offense in the Sex Offenders Registration Act
768.36	An offense for which a defense was asserted under MCL 768.36 (guilty but mentally ill)
750.462a – 750.462h, former MCL 750.462i or MCL 750.462j	Human Trafficking Violations

Notice

1. **New Subsection 771.2(3)** – If a probationer has completed all required programming, the probation department ***may*** notify the sentencing court that the probationer may be eligible for early discharge from probation.
- a. If the probation department ***does not*** notify the sentencing court, and the probationer has not violated probation in the immediately preceding three months, the probationer may notify the court that he or she may be eligible for early discharge on a form provided by SCAO.
- b. ***This subsection does not prohibit the court from considering a probationer for early discharge from probation at the court’s discretion.***

Early Probation Discharge – Procedure

1. **New Subsection 771.2(5)** – Upon notification as provided in MCL 771.2(3), the sentencing court may review the case and the probationer’s conduct while on probation to

determine if their behavior warrants an early discharge. Before granting early discharge to a probationer owing outstanding restitution, the court must consider the impact of early discharge on the victim and the payment of restitution. If a probationer has made a good-faith effort to pay restitution and is otherwise eligible for early discharge, the court may grant early discharge *or retain the probationer on probation up to the maximum allowable term for the offense, with the sole condition of continuing restitution payments.*

No Hearing

- a. **New Subsection 771.2(5)** – Except as provided by MCL 771.2(7), the court may grant an early discharge from probation *without a hearing* if the court determines the probationer’s behavior warrants a reduction in the probationary term.

Hearing

- a. **New Subsection 771.2(6)** – If, after reviewing the case, the court determines the probationer’s behavior *does not warrant* an early discharge, the court must conduct a hearing to allow the probationer to present his or her case for an early discharge and find on the record any:
 - i. Specific rehabilitation goal that has not yet been achieved; *or*
 - ii. Specific, articulable, and ongoing risk of harm to a victim that can only be mitigated with continued probation supervision.
- b. **New Subsection 771.2(7)** – The sentencing court must also hold a hearing before granting early probation discharge in the following circumstances:
 - i. **Felonies:** The victim has requested to receive notice under MCL 780.768b, 780.769, 780.769a, 780.770, or 780.770a of the William Van Regenmorter Crime Victim’s Rights Act.
 - ii. **Misdemeanors:** Violations of:

MCL	Offense
750.81	Assault or Assault & Battery
750.81	Knowingly Assault or Assault & Battery of Pregnant Individual
750.81	Knowingly Assaulting a Pregnant Individual – 2 nd Offense
750.81a	Assault – Aggravated
750.136b	Child Abuse – 4 th Degree

- iii. **New Subsection 771.2(8)** – If a hearing is held under MCL 771.2(7), the prosecutor shall notify the victim of the date and time of the hearing and the victim must be given an opportunity to be heard.

Sentence of Probation

1. **Amended** 771.2(11) and 771.2a(5) – Amendments require the court to determine “the rehabilitation goals” of probation, in addition to the period and conditions of probation.
2. **Amended** 771.3(1)(c) – Amendment authorizes a probationer to report virtually to his or her probation officer as required.
3. **New Subsection** 771.3(11) – Conditions of probation imposed under MCL 771.3(2) and (3) must:
 - a. Be individually tailored to the probationer;
 - b. Specifically address the assessed risks and needs of the probationer;
 - c. Be designed to reduce recidivism; and
 - d. Be adjusted if the court determines adjustments are appropriate.

The court must also consider the input of the victim and shall specifically address the harm caused to the victim, as well as the victim’s safety needs and other concerns, including, but not limited to, any request for protective conditions or restitution.

Legislative Intent

1. **New Subsection** 771.4(1) – Amendment to existing section states the Legislature’s intent is “...the granting of probation is a matter of grace ***requiring the agreement of the probationer to its granting and continuance***” (emphasis added).
2. **New Subsection** 771.4(2) – All probation orders are revocable subject to MCL 771.4b, but revocation of probation, and subsequent incarceration, should be imposed only:
 - a. For repeated technical violations;
 - b. For new criminal behavior;
 - c. As otherwise allowed in MCL 771.4b; or
 - d. Upon the request of the probationer.
3. **New Subsection** 771.4(3) – Court may no longer provide for the apprehension, detention, or confinement of probation on the basis of “conduct inconsistent with the public good.”

Technical Probation Violations

1. **Amended** 771.4b(9)(b) – “Technical probation violations” are any violation of the terms of a probation order, *excluding the following*:
 - a. A violation of a no-contact order.
 - b. A violation of the law of this state, a political subdivision of this state, another state, or the United States or of tribal law *whether or not a new criminal offense is charged*.¹⁵
 - c. The consumption of alcohol by a probationer who is on probation for a felony violation of MCL 257.625 (OWI, etc.).
 - d. Absconding, defined as the intentional failure of a probationer to report to his or her supervising agent or to advise his or her supervising agent of his or her whereabouts for a continuous period of not less than 60 days. MCL 771.4b(9)(a).
2. **Amended** 771.4b(1) – Amendment establishes new jail caps for technical violations of misdemeanor and felony probation, listed below.

Technical Violation	Maximum Jail Sentence ¹⁶	
	Misdemeanor	Felony
1 st Violation	5 days	15 days
2 nd Violation	10 days	30 days
3 rd Violation	15 days	45 days
4 th Violation	Any number of days, up to remaining eligible jail sentence.	Jail or prison for any number of days, up to remaining eligible jail or prison sentence.

3. **New Subsection** 771.4b(2) – A probationer may acknowledge a technical probation violation in writing without a hearing before the court being required.
4. **Existing Subsection** 771.4b(5) – If more than one technical probation violation arises out of the same transaction, the court shall treat the technical violation as a single violation for the purposes of this section.
5. **Amended** 771.4b(6) – Jail caps for technical probation violations *do not apply* to individuals on probation for the following violations.

¹⁵ A missed or failed drug test is considered a technical violation of probation. It is not considered a new violation of the law. See MCL 771.4b(9)(b).

¹⁶ A jail sanction for a technical probation violation may be extended to not more than 45 days if the probationer is awaiting placement in a treatment facility and does not have a safe alternative location to await treatment. MCL 771.4b(3).

MCL	Offense
750.81	Domestic Violence
750.81	Domestic Violence 2 nd Offense
750.81	Domestic Violence 3 rd Offense
750.81a	Domestic Violence – Aggravated
750.81a	Domestic Violence – Aggravated – 2 nd Offense
400.1501	An offense involving domestic violence as that term is defined in MCL 400.1501
750.411h	Stalking
750.411h	Stalking A Minor
750.411i	Stalking – Aggravated
750.411i	Stalking A Minor – Aggravated

6. **New Subsection 771.4b(7)** – Establishes a rebuttable presumption for a summons or order to show cause for a technical probation violation rather than a bench warrant. ***The court may overcome the presumption and issue a warrant if it states on the record a specific reason to suspect that one or more of the following apply:***

- a. The probationer presents an immediate danger to himself or herself, another person, or the public.
- b. The probationer has left court-ordered inpatient treatment without the court's or the treatment facility's permission.
- c. A summons or order to show cause has already been issued for the technical probation violation and the probationer failed to appear as ordered.

7. **New Subsection 771.4b(8)** – A probationer who is arrested and detained for a technical probation violation must be brought to a hearing as soon as possible. If the hearing is not held within the applicable and permissible jail sanction, the probationer must be returned to community supervision.

PAROLE

Bill	Public Act	Effective Date	Description
<u>SB 1051</u>	2020 PA 398	03/24/21	Amendment requires conditions of parole be tailored to the offender.

Parole Order

1. ***Amended*** 791.236(3) – Amendment authorizes the amendment of a parole order at the discretion of the parole board for cause ***“or to adjust conditions as the parole board determines appropriate.”***
2. ***Amended*** 791.236(4) – Amendment states conditions of parole must:
 - a. Be individualized;
 - b. Specifically address the assessed risk and needs of the parolee;
 - c. Be designed to reduce recidivism; and
 - d. Consider the needs of the victim, if applicable, including, but not limited to, the safety needs of the victim or a request by the victim for protective conditions.

DECRIMINALIZATION & CIVIL INFRACTIONS

Bill	Public Act	Effective Date	Description
<u>HB 5853</u>	2020 PA 382	10/01/21	Amends penalties for certain violations of the Michigan Vehicle Code.

Decriminalization

The following offenses were reduced from misdemeanor offenses to civil infractions:

MCL	Offense	Former Penalty	New Max Penalty
257.208b	Driver Education and Limousine Record Violations	Misdemeanor – \$500	Civil Infraction – \$100
257.239	Motor Vehicles – Failing to Endorse and Delivery Certificate of Title to Transferee	Misdemeanor – 90 Days	Civil Infraction – \$100
257.312a	Motorcycles – Operating Without Endorsement (1 st violation)	Misdemeanor – 90 Days	Civil Infraction – \$250
257.325	Motor Vehicles – Allowing Unlicensed Minor to Operate	Misdemeanor – 90 Days	Civil Infraction – \$100
257.624b(4)	Motor Vehicle – Transfer of to Avoid Impoundment	Misdemeanor – 90 Days	Civil Infraction – \$100
257.677a	Snow on Highway – Obstructing Vision	Misdemeanor – 90 Days	Civil Infraction – \$100
257.682c	Motor Vehicles – Operating Commercial Snow Removal Vehicle Without Flashing Lights	Misdemeanor – 90 Days	Civil Infraction – \$100
257.698(5)	Motor Vehicles – Use/Possession of Flashing Lights	Misdemeanor – 90 Days	Civil Infraction – \$100
257.698(6)	Motor Vehicles/Sale of Flashing Lights/Unauthorized Use of Emergency Vehicle	Misdemeanor – 90 Days	Civil Infraction – \$100
257.707c(2)	Motor Vehicles – New – Excessive Noise	Misdemeanor – \$100	Civil Infraction – \$100
257.707c(4)	Motor Vehicles – Sale or Installation of a Muffler Causing Excessive Noise	Misdemeanor – \$100	Civil Infraction – \$100
257.707c(6)	Motor Vehicles – Dealer Sale of Noncompliant Vehicle	Misdemeanor – \$100	Civil Infraction – \$100

Fines & Costs

1. ***Repealed*** 257.907(11) – Section previously required the suspension of a driver’s license pursuant to section 321a if a person failed to comply with an order or judgment issued under this section.

DRIVER LICENSE SUSPENSIONS

Bills	Public Acts	Effective Date	Description
<u>HB 5846</u>	2020 PA 376	10/01/21	Amends the suspension and revocation of driver license as sanction for certain vehicle code violations.
<u>HB 5847</u>	2020 PA 377	10/01/21	Eliminates the suspension of driver license for certain violations related to the consumption, sale, or purchase of alcoholic liquor.
<u>HB 5849</u>	2020 PA 378	10/01/21	Updates reference to juror compensation reimbursement fund.
<u>HB 5850</u>	2020 PA 379	10/01/21	Amends suspension of driver license for nonpayment of child support.
<u>HB 5851</u>	2020 PA 380	10/01/21	Eliminates suspension and revocation of driver license as sanction for certain controlled substances offenses.
<u>HB 5852</u>	2020 PA 381	03/24/21	Eliminates licensing sanction for certain controlled substances offenses.
<u>HB 6235</u>	2020 PA 387	10/01/21	Prohibits a denial to issue or renew driver license for failure to appear.
<u>HCR 29</u>	N/A	N/A	Concurrent resolution opposing the enactment and enforcement of a state law, under a federal mandate, that requires the suspension or revocation of a driver's license to an individual convicted of a drug offense.

Juvenile Dispositions

1. ***Repealed*** 257.303(1)(k) – Subsection previously prohibited the Secretary of State (SOS) from issuing a driver's license to a person who was convicted of, or received a juvenile disposition for, committing a crime described in MCL 257.319e until the applicable suspension period had expired. See Appendix C for a list of crimes identified in MCL 257.319e.
2. ***Repealed*** 257.303(5) – This subsection previously allowed the SOS to deny the issuance of a driver's license to a person, until either the age of 17 or 21, if they had received a juvenile disposition for violating MCL 750.411a(2) involving a school.

Learner's Permit & License Renewals

1. ***Amended*** 257.306a(3) – Amendment extends the validity of a commercial learner's permit from 180 days to 1 year.
2. ***Amended*** 257.307(9) – Beginning July 1, 2021, amendment authorizes the SOS to renew an operator's or chauffeur's license for two additional four-year periods.

License Suspensions

The SOS is no longer required to suspend a driver's license for the following violations:

MCL	Offense	Amended/Repealed Statutes
436.1703(2)	Alcohol – Use of Fraudulent Identification by Minor	257.319(3)(d); 436.1703(6)
436.1703(2)	Alcohol – Furnishing Fraudulent Identification to Minor	257.319(3)(d); 436.1703(6)
436.1703(1)	Alcohol – Purchase/Consumption/Possession by Minor – 2 nd or Subsequent Offense	257.319(7); 436.1703(6)
750.411a(2)	Offenses Related to the False Report or Threatened Use of Certain Explosives, Bombs, and Harmful Devices Involving a School	257.319(11)
436.1701(1)	Alcohol – Selling/Furnishing to Minor – 2 nd or Subsequent Offense	257.319(12); 436.1701(1)

1. **Repealed** 333.7408a(1) & (2) – Subsections previously outlined the duration of a driver's license suspension as part of a sentence or juvenile disposition for certain controlled substance convictions. These subsections also previously required a person to immediately surrender his or her driver's license to the court and for the court to destroy the driver's license upon suspension under this section.
2. **Repealed** 333.7408a(6)-(13) – Subsections previously outlined the process and requirements to obtain a restricted driver's license following a conviction for controlled substances violations.
 - a. **Repealed** 769.1e(2) – Eliminated reference to licensing sanctions imposed under MCL 333.7408a.
3. **Repealed** 257.319e – Subsection previously required the SOS to suspend drivers' licenses upon an abstraction of conviction for attempting, conspiring, or violating MCL 333.7401 to MCL 333.7461 and MCL 333.17766a. It also previously required a license suspension for attempting, conspiring, or violating the law of *another state* for conduct prohibited under either the controlled substance act or the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242.

See Appendix C for a complete list of offenses that no longer require a license suspension upon conviction.

Reinstatement Fees

1. **New Subsection** 257.320e(4) – Subsection requires the SOS to waive reinstatement fees for individuals whose operator's or chauffeur's licenses were suspended, revoked, or restricted for reasons that are no longer eligible. The SOS must also immediately

reinstate licenses that were suspended, revoked, or restricted for reasons no longer eligible under the act.

Failure to Appear, Answer Citation, or Comply with Judgment

1. **Repealed** 600.8827(8) – Section previously required the court to provide a 14-day notice following a defendant’s failure to appear or comply with a state civil infraction. The section also previously required the SOS to not issue or renew a driver’s license until the court (1) informed the SOS the defendant had resolved all outstanding matters, and (2) the defendant had paid the court a \$45 driver license clearance fee.
2. **Amended** 257.321a – Amendment establishes new procedures to suspend a driver’s license for failing to answer certain citations, appear in court, or comply with court orders or judgments (FAC/FCJ suspensions).

Section	Former Section	Amended Section
321a(1)	Established a 93-day misdemeanor for certain failures to appear, answer a citation, or comply with a court order/judgment.	Repealed section and offense.
321a(2)	Required a 14-day notice for FCJ/FAC <i>if the violation is reportable to the SOS</i> under MCL 257.732.	Requires a 14-day notice for FCJ/FAC only on violations <i>“for which license suspension is allowed under this act.”</i>
321a(3)	Required 7- and 14-day notices for certain FAC/FCJ violations if charged or convicted of violating MCL 257.625.	Requires same notice provisions, but expands to also include violations of <i>“section 626 [reckless driving], any driving violation under this act that causes injury, death, or serious impairment of a body function of another individual, [and] a serious offense involving a motor vehicle.”</i> ¹⁷
321a(4)	Required a 7- or 14-day notice for FAC/FCJ violations if charged or convicted of violating sections of MCL 436.1703(1)(b) or (c), MCL 257.624a, and MCL 257.624b.	Repealed section.

¹⁷ For purposes of MCL 257.321a, “serious offense involving a motor vehicle” means a felony or misdemeanor punishable by at least 93 days in jail, during the commission of which the individual operated a motor vehicle in a manner that presented real or potential harm to a person or property and one or more of the following circumstances apply to the offense: (a) the motor vehicle was used as an instrument of the offense; (b) the motor vehicle was used to transport a victim of the offense; (c) the motor vehicle was used to flee the scene of the offense; (d) the motor vehicle was necessary for the commission of the offense. MCL 257.321a(10).

321a(6) – (8)	Authorized the court to issue a 10-day notice for FAC regarding certain parking violations.	Repealed sections.
321a(9)	Required a 14-day notice for FAC/FCJ violations on state civil infractions described in MCL 600.8801 to MCL 600.8835.	Repealed section.

Friend of the Court Suspensions

1. **Amended** 552.628(1) & (2) – Amendment requires the following before a court may suspend a driver’s license for nonpayment on a friend of the court (FOC) case:
 - a. **Arrearage Amount:** An arrearage has accrued in an amount greater than the amount of periodic support payments payable for two months under the support order (existing requirement).
 - b. **Income Withholding:** An order of income withholding is not applicable or has been unsuccessful in assuring regular payments on the support obligation and regular payments on the arrearage (existing requirement).
 - c. **Ability to Pay:** The court has conducted an ability to pay assessment and determined the payer has an ability to pay the support but is willfully not making his or her support payments (new requirement).
 - d. **Alternative Sanction:** The FOC determined that no other sanction would be effective in assuring regular payments on the support obligation and regular payments on the arrearage (new requirement).

MANDATORY JAIL MINIMUMS

Eliminated and suspended certain mandatory jail requirements in the Public Health Code (1978 PA 368), Michigan Vehicle Code (1949 PA 300), Revised School Code (1976 PA 451), National Resources and Environmental Protection Act (1994 PA 451), and Railroad Code (1993 PA 354).

Public Health Code ([HB 5844](#), amends 1978 PA 368)

Effective: March 24, 2021

Bill	MCL	Offense	Minimum Jail Sentence(s)	
			Former	New
HB 5844	333.16296(b)	Health Profession – Unauthorized Use of Title – 2 nd Offense Notice	60 days	N/A

Motor Vehicle Code ([HB 5854](#), amends 1949 PA 300)

Effective: March 24, 2021

Bill	MCL	Offense	Minimum Jail Sentence(s)	
			Former	New
HB 5854	257.625(7)(a)(i)	Operating – While Intoxicated – Occupant Less Than 16	5 days	N/A
HB 5854	257.625(7)(a)(ii)	Operating – While Intoxicated – Occupant Less Than 16 – 2 nd Offense	1 year -or- 30 days w/ probation	1 year* -or- 30 days w/ probation*
HB 5854	257.625(7)(b)(ii)	Operating – Minor With Any BAC – Occupant Less Than 16 – 2 nd Offense	5 days	5 days*
HB 5854	257.625(9)(b)	Operating – While Intoxicated/Impaired – 2 nd Offense	5 days	5 days*
HB 5854	257.625(9)(c)	Operating – While Intoxicated/Impaired – 3 rd Offense	1 year -or- 30 days w/ probation	1 year* -or- 30 days w/ probation*
HB 5854	257.904a	Operating – No License For Three Years – 2 nd Offense	2 days	N/A

* The term of imprisonment may be suspended if the defendant agrees to participate in and successfully completes a specialty court program as defined by MCL 257.83.

HB 5854	257.905(2)	Operate – While Suspended Fail to Prove Financial Responsibility	2 days	N/A
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Revised School Code ([HB 5855](#), amends 1976 PA 451)

Effective: March 24, 2021

Bill	MCL	Offense	Minimum Jail Sentence(s)	
			Former	New
HB 5855	380.1599	Truancy	2 days	N/A
HB 5855	380.1809(1)(b)	Teaching Certificate – Invalid Use – 2 nd Offense	93 days	N/A
HB 5855	380.1809(2)(b)	School Administrator Certificate – Invalid Use – 2 nd Offense	93 days	N/A
HB 5855	380.1809(3)(b)	State School Board Approval – Invalid Use – 2 nd Offense	93 days	N/A
HB 5855	380.1809(4)(b)	College Credentials – Invalid Use – 2 nd Offense Notice	93 days	N/A

Natural Resources and Environmental Protection Act ([HB 5856](#), amends 1994 PA 451)

Effective: March 24, 2021

Bill	MCL	Offense	Minimum Jail Sentence(s)	
			Former	New
HB 5856	324.40118(3)	Wildlife Conservation Part – Take Deer/Bear/Turkeys/Wolf	5 days	N/A
HB 5856	324.40118(4)	Wildlife Conservation Part – Taking Elk	30 days	N/A
HB 5856	324.40118(5)	Wildlife Conservation Part – Taking Moose	90 days	N/A
HB 5856	324.40113(1)	Wildlife Conservation Part – Using Artificial Light/Weapon Accessible	5 days	N/A
HB 5856	324.40113(3)	Wildlife Conservation Part – Shining/Stopping for Officer	5 days	N/A
HB 5856	324.40113(18)	Wildlife Conservation Part – 3 rd Offense	10 days	N/A
HB 5856	324.41105	Fish & Game – Order/Rule Violation – 2 nd or Subsequent Offense	20 days	N/A

HB 5856	324.47327	Commercial Fishing – 2 nd or Subsequent Offense	30 days	N/A [†]
HB 5856	324.48738(3)	Sports Fishing – Taking Sturgeon	30 days	N/A
HB 5856	324.80177(1)(b)	Marine Safety – OWI – 2 nd Offense	48 hours	48 hours*
HB 5856	324.80177(1)(c)	Marine Safety – OWI – 3 rd Offense	1 year	1 year*
HB 5856	324.80176(7)(a)	Marine Safety – Operating While Intoxicated – Occupant Less Than 16	5 days	5 days*
HB 5856	324.80178b(1)(b)	Marine Safety – Operating While Intoxicated – Occupant Less Than 16 – 2 nd Offense	1 year -or- 30 days w/ probation	1 year -or- 30 days w/ probation*
HB 5856	324.80178b(2)(b)	Marine Safety – Operating – Minor With Any BAC – Occupant Less Than 16 – 2 nd Offense	5 days	5 days*
HB 5856	324.81134(8)(b)	ORV – Operating While Intoxicated – 2 nd Offense	5 days	5 days*
HB 5856	324.81134(8)(c)	ORV – Operating While Intoxicated – 3 rd Offense	1 year -or- 30 days w/ probation	1 year* -or- 30 days w/ probation*
HB 5856	324.81134(7)	ORV – Operating – While Intoxicated – Occupant Less Than 16	5 days	5 days*
HB 5856	324.81134(12)(a)(i)	ORV – Operating – While Intoxicated – Occupant Less Than 16 – 2 nd Offense	1 year -or- 30 days w/ probation	1 year -or- 30 days w/ probation*
HB 5856	324.81134(12)(b)(i)	ORV – Minor With Any BAC – Occupant Less Than 16 – 2 nd Offense	5 days	5 days*
HB 5856	324.82128(1)(b)	Snowmobiles – OWI – 2 nd Offense	48 hours	48 hours*
HB 5856	324.82128(1)(c)	Snowmobiles – OWI – 3 rd Offense	1 year	1 year*

[†] Also eliminates the requirement for courts to sentence defendants to jail until their fines and costs are paid in full.

* The term of imprisonment may be suspended if the defendant agrees to participate in and successfully completes a specialty court program as defined by MCL 324.80104(m).

HB 5856	324.82127(7)(a)	Snowmobiles – Operating While Intoxicated – Occupant Less Than 16	5 days	5 days*
HB 5856	324.82129b(1)(b)	Snowmobiles – Operating While Intoxicated – Occupant Less Than 16 – 2 nd Offense	1 year -or- 30 days w/ probation	1 year -or- 30 days w/ probation*
HB 5856	324.82129b(2)(b)	Snowmobiles – Operating – Minor With Any BAC – Occupant Less Than 16 – 2 nd Offense	5 days	5 days*

Railroad Code ([HB 5857](#), amends 1993 PA 354)

Effective: March 24, 2021

Bill	MCL	Offense	Minimum Jail Sentence	
			Former	New
HB 5857	462.257(2)	Trains – Throwing Missile At	10 days	N/A
HB 5857	462.267	Railroads – Remove/Tamper with Switches or Derailing Device	10 days	N/A

* The term of imprisonment may be suspended if the defendant agrees to participate in and successfully completes a specialty court program as defined in MCL 324.80104(m).

APPENDIX A – “ASSAULTIVE CRIME” & “VIOLENT FELONY”

The definition of “assaultive crime” is not used uniformly throughout the Jails Task Force legislation. The following chart identifies which criminal statutes are designated as an “assaultive crime” in each section. A second chart identifies the actual offenses contained in each statute.

Jails Task Force Section	Statutes Defining “Assaultive Crime”
Appearance Tickets: Issuing appearance tickets as required under MCL 764.9c.	<ul style="list-style-type: none"> • MCL 770.9a
Voluntary Appearance – Warrants: Arraigning defendants who voluntarily appear on certain warrants under MCL 762.10d.	<ul style="list-style-type: none"> • MCL 770.9a; • MCL 750.81 – 750.90h; • MCL 750.110a, 750.136b, 750.234a-234c, 750.349b, 750.411h; and • MCL 791.236 (Violent Felony)
Criminal Summons: Issuing a summons instead of an arrest warrant for certain offenses under MCL 764.1a.	
Failure to Appear: Issuing show causes rather than bench warrants for certain failures to appear. See MCL 764.3.	
Out-of-County Arrests: Requiring release if not arranged for pick-up within 48 hours and not actually picked up within 72 hours for certain offenses under MCL 765.6e.	

MCL 770.9a	
MCL	Offense
750.81c(3)	Assault or Assault and Battery of DHS Employee – Causing Serious Impairment
750.82	Assault With a Dangerous Weapon (Felonious Assault)
750.82	Weapon-Free Schools – Assault With a Dangerous Weapon
750.82	Assault With a Weapon
750.83	Assault With Intent to Murder
750.84	Assault With Intent to do Great Bodily Harm Less Than Murder or by Strangulation
750.86	Assault With Intent to Maim
750.87	Assault With Intent to Commit a Felony
750.88	Assault With Intent to Rob While Unarmed
750.89	Assault With Intent to Rob While Armed
750.90a	Assault – Pregnant Individual – Intentionally Causing Miscarriage/Stillbirth
750.90b(a)	Assault – Pregnant Individual – Causing Miscarriage/Stillbirth

750.90b(b)	Assault – Pregnant Individual – Causing Great Bodily Harm to Embryo/Fetus
750.91	Homicide – Attempted Murder
750.200 – 212a	Explosives, Bombs, and Harmful Devices
750.316	Homicide – 1 st Degree Murder – Multiple Theories
750.316	Homicide – 1 st Degree Murder – Multiple Theories – Juvenile Defendant
750.316	Homicide – Murder 1 st Degree – Premeditated
750.316	Homicide – Murder 1 st Degree – Premeditated – Juvenile Defendant
750.316	Homicide – Felony Murder
750.316	Homicide – Felony Murder – Juvenile Defendant
750.316	Homicide – Open Murder – Statutory Short Form
750.316	Homicide – Murder of Peace/Corrections Officer
750.316	Homicide – Murder of Peace/Corrections Officer – Juvenile Defendant
750.317	Homicide – Murder – 2 nd Degree
750.321	Homicide – Manslaughter – Statutory Short Form
750.321	Homicide – Abortion – Death Resulting
750.321	Homicide – Manslaughter - Involuntary
750.321	Homicide – Manslaughter With Motor Vehicle
750.349	Kidnapping
750.349a	Prisoner – Taking a Hostage
750.350	Kidnapping – Child Enticement
750.397	Mayhem
750.411h(2)(b)	Stalking a Minor
750.411i	Stalking – Aggravated
750.520b	CSC 1 st Degree
750.520c	CSC 2 nd Degree
750.520d	CSC 3 rd Degree
750.520e	CSC 4 th Degree
750.520g	CSC – Assault With Intent to Commit Sexual Penetration
750.520g	CSC – Assault With Intent to Commit CSC 2 nd Degree
750.529	Robbery
750.529	Robbery – Armed
750.529	Robbery – Armed – Serious Injury
750.529a	Carjacking
750.530	Robbery – Unarmed
750.543a – 543z	Terrorism Offenses
MCL 750.81 – MCL 750.90h	
MCL	Offense
750.81	Assault
750.81	Battery
750.81	Assault or Assault & Battery
750.81	Spouse Abuse
750.81	Domestic Violence – 1 st Offense
750.81	Domestic Violence – 2 nd Offense

750.81	Domestic Violence – 3 rd Offense
750.81	Knowingly Assault or Assault & Battery of Pregnant Individual
750.81	Domestic Violence and/or Knowingly Assaulting a Pregnant Individual – 2 nd Offense
750.81	Domestic Violence and/or Knowingly Assaulting a Pregnant Individual – 3 rd Offense Notice
750.81a	Assault – Aggravated
750.81a	Domestic Violence – Aggravated
750.81a	Domestic Violence – Aggravated – 2 nd or Subsequent Offense Notice
750.81c	Assaulting Domestic Violence Staff
750.81c	Threatening DHS Employee With Physical Harm
750.81c	Assault or Assault & Battery of DHS Employee
750.81c	Assault or Assault & Battery of DHS Employee – Causing Serious Impairment
750.81d	Police Officer – Assaulting/Resisting/Obstructing
750.81d	Police Officer – Assaulting/Resisting/Obstructing Causing Injury
750.81d	Police Officer – Assaulting/Resisting/Obstructing Causing Serious Impairment
750.81d	Police Officer – Assault/Resisting/Obstructing Causing Death
750.81e	Assaulting a Utility Company Employee or Contractor
750.81e	Assaulting a Utility Company Employee or Contractor Causing Bodily Injury
750.81e	Assaulting a Utility Company Employee or Contractor Causing Serious Impairment of Body Function
750.82	Assault With a Weapon
750.82	Assault With a Dangerous Weapon (Felonious Assault)
750.82	Weapon-Free Schools – Assault With a Dangerous Weapon
750.83	Assault With Intent to Murder
750.84	Assault With Intent to do Great Bodily Harm Less Than Murder or by Strangulation
750.85	Torture
750.86	Assault With Intent to Maim
750.87	Assault With Intent to Commit a Felony
750.88	Assault With Intent to Rob While Unarmed
750.89	Assault With Intent to Rob While Armed
750.90	Sexual Intercourse – Pretext of Medical Treatment
750.90a	Assault – Pregnant Individual – Intentionally Causing Miscarriage/Stillbirth
750.90b	Assault – Pregnant Individual – Causing Miscarriage/Stillbirth
750.90b	Assault – Pregnant Individual – Causing Great Bodily Harm to Embryo/Fetus
750.90b	Assault – Pregnant Individual – Causing Serious Injury to Embryo/Fetus
750.90b	Assault – Pregnant Individual – Causing Physical Injury to Embryo/Fetus
750.90c	Pregnant Individual – Grossly Negligent Act – Causing Miscarriage/Stillbirth

750.90c	Pregnant Individual – Grossly Negligent Act – Causing Great Bodily Harm to Embryo/Fetus
750.90c	Pregnant Individual – Grossly Negligent Act – Causing Serious Injury to Embryo/Fetus
750.90c	Pregnant Individual – Grossly Negligent Act – Causing Physical Injury to Embryo/Fetus
750.90d	Pregnant Individual – Operating While Intoxicated – Causing Miscarriage/Stillbirth
750.90d	Pregnant Individual – Operating While Intoxicated – Causing Great Bodily Harm/Serious Injury to Embryo/Fetus
750.90e	Pregnant Individual – Negligent Operation of a Motor Vehicle – Causing a Miscarriage/Stillbirth
750.90g	Infants – Procedure With Intent to Cause Death
750.90h	Abortion – Partial Birth
MCL 750.110a, 136b, 234a-234c, 349b, 411h	
MCL	Offense
750.110a	Home Invasion – 1 st Degree
750.110a	Home Invasion – 2 nd Degree
750.110a	Home Invasion – 3 rd Degree
750.136b	Child Abuse – 1 st Degree
750.136b	Child Abuse – 2 nd Degree
750.136b	Child Abuse – 3 rd Degree
750.136b	Child Abuse – 4 th Degree
750.234a	Weapons – Firearms – Discharge From Vehicle
750.234a	Weapons – Firearms – Discharge From a Vehicle Causing Injury
750.234a	Weapons – Firearms – Discharge From a Vehicle Causing Serious Impairment
750.234a	Weapons – Firearms – Discharge From a Vehicle Causing Death
750.234b	Unlawful Use of a Weapon – Firearms – Discharge In or At a Building
750.234b	Weapons – Firearms – Discharge In or At a Building
750.234b	Weapons – Firearms – Discharge In or At a Building Causing Injury
750.234b	Weapons – Firearms – Discharge In or At a Building Causing Serious Impairment
750.234b	Weapons – Firearms – Discharge In or At a Building Causing Death
750.234c	Weapons – Firearms – Discharge At Emergency/Police Vehicle
750.349b	Unlawful Imprisonment
750.411h	Stalking
750.411h	Stalking a Minor
“Violent Felony” (MCL 791.236)	
MCL	Offense
750.82	Assault With a Weapon
750.82	Assault With a Dangerous Weapon (Felonious Assault)
750.82	Weapon-Free Schools – Assault With a Dangerous Weapon
750.83	Assault With Intent to Murder

750.84	Assault With Intent to Do Great Bodily Harm Less Than Murder or by Strangulation
750.86	Assault With Intent to Maim
750.87	Assault With Intent to Commit a Felony
750.88	Assault With Intent to Rob While Unarmed
750.89	Assault With Intent to Rob While Armed
750.316	Homicide – 1 st Degree Murder – Multiple Theories
750.316	Homicide – 1 st Degree Murder – Multiple Theories – Juvenile Defendant
750.316	Homicide – Murder 1 st Degree – Premeditated
750.316	Homicide – Murder 1 st Degree – Premeditated – Juvenile Defendant
750.316	Homicide – Felony Murder
750.316	Homicide – Felony Murder – Juvenile Defendant
750.316	Homicide – Open Murder – Statutory Short Form
750.316	Homicide – Murder of Peace/Corrections Officer
750.316	Homicide – Murder of Peace/Corrections Officer – Juvenile Defendant
750.317	Homicide – Murder – 2 nd Degree
750.321	Homicide – Manslaughter – Statutory Short Form
750.321	Homicide – Abortion – Death Resulting
750.321	Homicide – Manslaughter – Involuntary
750.321	Homicide – Manslaughter With Motor Vehicle
750.349	Kidnapping
750.349a	Prisoner – Taking a Hostage
750.350	Kidnapping – Child Enticement
750.397	Mayhem
750.520b	CSC 1 st Degree
750.520c	CSC 2 nd Degree
750.520d	CSC 3 rd Degree
750.520e	CSC 4 th Degree
750.520g	CSC – Assault With Intent to Commit Sexual Penetration
750.520g	CSC – Assault with Intent to Commit CSC 2 nd Degree
750.529	Robbery
750.529	Robbery – Armed
750.529	Robbery – Armed – Serious Injury
750.529a	Carjacking
750.530	Robbery – Unarmed

APPENDIX B – “SERIOUS MISDEMEANOR”

List of offenses qualifying as “serious misdemeanors,” as defined by MCL 780.811.

MCL	Offense
750.81	Assault & Battery, including Domestic Violence
750.81a	Assault; Infliction of Serious Injury, Including Aggravated Domestic Violence
750.115	Breaking & Entering or Illegal Entry
750.136b	Child Abuse 4 th Degree
750.145	Contributing to the Neglect or Delinquency of a Minor
750.145d	Using the Internet or a Computer to Make a Prohibited Communication
750.233	Intentionally Aiming a Firearm Without Malice
750.234	Discharge of a Firearm Intentionally Aimed at a Person
750.235	Discharge of an Intentionally Aimed Firearm Resulting in Injury
750.335a	Indecent Exposure
750.411h	Stalking
257.601b	Injuring a Worker in a Work Zone
257.617a	Leaving the Scene of a Personal Injury Accident
257.625	OWI if Resulting in Damage to Another Individuals’ Property or Physical Injury or Death to Another Individual
436.1701	Selling/Furnishing Alcohol to Minor if Violation Results in Physical Injury or Death
324.80176(1) or (3)	Marine Safety – OWI/Impaired Resulting in Damage to Another Individual’s Property or Physical Injury or Death to Another Individual
N/A	A violation of a local ordinance substantially corresponding to a state violation listed above.
N/A	A violation charged as a crime or serious misdemeanor listed above, but subsequently reduced to or pleaded to as a misdemeanor. For purposes of MCL 780.811(1)(a), “crime” is defined in MCL 780.752 as “a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony.”

APPENDIX C – OFFENSES NO LONGER ELIGIBLE FOR LICENSE SUSPENSION UNDER MCL 257.319e

Effective October 1, 2021, MCL 257.319e is repealed. MCL 257.319e required the SOS to suspend drivers' licenses upon an abstraction of conviction for attempting, conspiring, or violating MCL 333.7401 to MCL 333.7461, and MCL 333.17766a (which was repealed on January 3, 2002). Given the repeal of MCL 257.319e, license suspension is no longer required upon conviction of any of the offenses identified below.

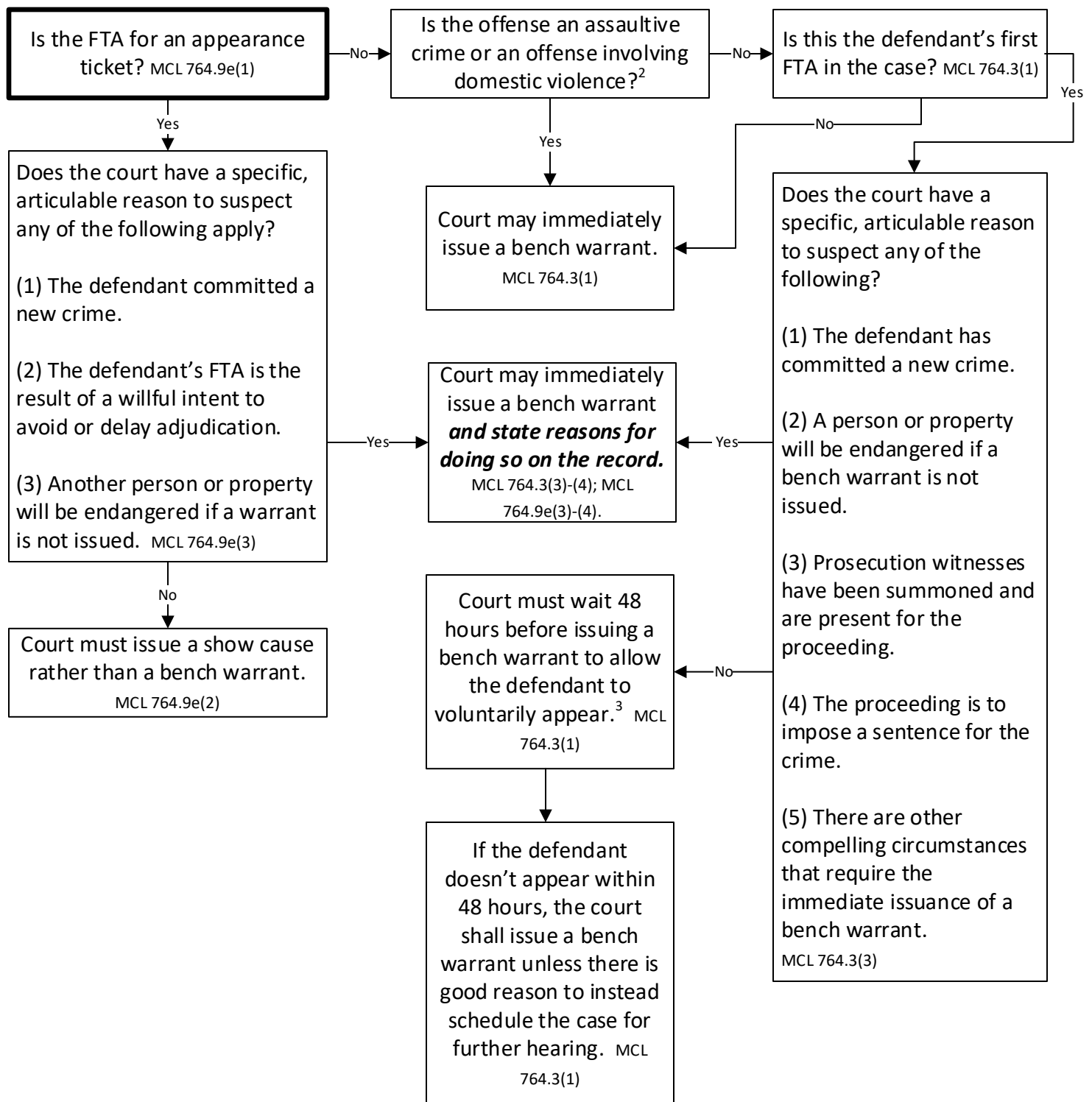
MCL	Offense
333.7401(2)(a)(i)	Controlled Substance – Delivery/Manufacture (Narcotic/Cocaine) 1000 Grams or more
333.7401(2)(a)(ii)	Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) 450 to 999 Grams
333.7401(2)(a)(iii)	Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) 50 to 449 Grams
333.7401(2)(a)(iv)	Controlled Substance – Delivery/Manufacture (Cocaine, Heroin, or Another Narcotic) Less Than 50 Grams
333.7401(2)(b)(i)	Controlled Substance – Delivery/Manufacture – Ecstasy/MDMA
333.7401(2)(b)(i)	Controlled Substance – Delivery/Manufacture – Methamphetamine
333.7401(2)(b)(ii)	Controlled Substance – Delivery/Manufacture (Schedules 1, 2, & 3 Except Marihuana, Methamphetamine, Ecstasy, and Cocaine)
333.7401(2)(b)(ii)	Controlled Substance – Delivery/Manufacture (Substance Added to Schedules 1, 2, & 3 by Rule)
333.7401(2)(c)	Controlled Substance – Delivery/Manufacture (Schedule 4)
333.7401(2)(c)	Controlled Substance – Delivery/Manufacture (Added to Schedule 4 by Board Rule)
333.7401(2)(d)(i)	Controlled Substance – Delivery/Manufacture 45 Kilograms or More of Marijuana/Synthetic Equivalent; or 200 or More Plants
333.7401(2)(d)(ii)	Controlled Substance – Delivery/Manufacture 5-44 Kilograms of Marijuana/Synthetic Equivalent; or 20-199 Plants
333.7401(2)(d)(iii)	Controlled Substance – Delivery/Manufacture Marijuana/Synthetic Equivalents Less than 5 Kilograms; or 1-19 Plants
333.7401(2)(e)	Controlled Substance – Delivery/Manufacture (Schedule 5)
333.7401(2)(f)	Prescription Forms – Manufacture/Deliver
333.7401a	Controlled Substance – Delivery to Commit Criminal Sexual Conduct
333.7401b(3)(a)	Controlled Substance – Delivery/Manufacture – GBL
333.7401b(3)(b)	Controlled Substance – Possession of GBL
333.7401c(2)(a)	Controlled Substance – Operating/Maintaining a Laboratory
333.7401c(2)(b)	Controlled Substance – Operating/Maintaining a Laboratory in Presence of Minor
333.7401c(2)(c)	Controlled Substance – Operating/Maintaining a Laboratory Involving Hazardous Waste
333.7401c(2)(d)	Controlled Substance – Operating/Maintaining a Laboratory Near Specified Places

333.7401c(2)(d)	Controlled Substance – Operating/Maintaining a Methamphetamine Laboratory Near Specified Places
333.7401c(2)(e)	Controlled Substance – Operating/Maintaining a Laboratory Involving Firearm/Other Harmful Device
333.7401c(2)(f)	Controlled Substance – Operating/Maintaining a Laboratory Involving Methamphetamine
333.7402(2)(a)	Controlled Substance – Creation/Delivery Counterfeit Substance (Narcotic/Ecstasy)
333.7402(2)(b)	Controlled Substance – Creation/Delivery of a Counterfeit Substance – Methamphetamine
333.7402(2)(b)	Controlled Substance – Creation/Delivery of a Counterfeit Substance (Schedule 1, 2, or 3)
333.7402(2)(c)	Controlled Substance – Creation/Delivery of a Counterfeit Substance (Schedule 4)
333.7402(2)(d)	Controlled Substance – Creation/Delivery of a Counterfeit Substance (Schedule 5)
333.7402(2)(e)	Controlled Substance – Creation/Delivery of an Analogue
333.7403(2)(a)(i)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 1000 or More Grams
333.7403(2)(a)(ii)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 450 to 999 Grams
333.7403(2)(a)(iii)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 50 to 449 Grams
333.7403(2)(a)(iv)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 25 to 49 Grams
333.7403(2)(a)(v)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) Less Than 25 Grams
333.7403(2)(b)(i)	Controlled Substance – Possession of Methamphetamine/Ecstasy
333.7403(2)(b)(ii)	Controlled Substance – Possession of Analogues
333.7403(2)(b)(ii)	Controlled Substance – Possession (Substance Added to Schedules 1,2,3, or 4 By Rule)
333.7403(2)(c)	Controlled Substance – Possession (Schedule 5 and LSD, etc.)
333.7403(2)(c)	Controlled Substance – Possession (Substance Added to Schedule 5 by Rule)
333.7403(2)(d)	Controlled Substance – Possession of Marihuana/Synthetic Equivalents
333.7403(2)(e)	Prescription Forms – Possession
333.7403a	Controlled Substance – Fraudulently Obtaining
333.7404(2)(a)	Controlled Substance – Use (Narcotic/Cocaine/Ecstasy)
333.7404(2)(a)	Controlled Substance – Use Methamphetamine
333.7404(2)(b)	Controlled Substance – Use
333.7404(2)(c)	Controlled Substance – Use (Schedule 5 or LSD, Etc.)
333.7404(2)(d)	Controlled Substance – Use of Marihuana/Synthetic Marihuana/Spice/Salvia
333.7405(1)(a)	Controlled Substance – Licensee Prescription Violations
333.7405(1)(b)	Controlled Substance – Manufacture/Distribute Outside of License

333.7405(1)(c)	Controlled Substance – Refusing Inspection
333.7405(1)(d)	Controlled Substance – Maintaining a Drug House
333.7405(1)(e)	Controlled Substance – Dispensing Prescription From Out-of-State Prescriber
333.7407(1)(a)	Controlled Substance – Licensee/Distribute Without Order Form
333.7407(1)(b)	Controlled Substance – Use a Fictitious License Number
333.7407(1)(c)	Controlled Substance – Obtaining by Fraud
333.7407(1)(d)	Controlled Substance – False Reporting
333.7407(1)(e)	Controlled Substance – Counterfeiting Implements
333.7407(1)(f)	Controlled Substance – Counterfeit Prescription Forms
333.7407(2)	Controlled Substance – Failure to Keep Records
333.7407a	Controlled Substance – Inducing Person to Violate – Felony
333.7407a	Controlled Substance – Inducing Person to Violate – High Misdemeanor
333.7407a	Controlled Substance – Inducing Person to Violate – Misdemeanor
333.7407a(1)	Controlled Substance – Attempt – Felony
333.7407a(1)	Controlled Substance – Attempt – High Misdemeanor
333.7407a(1)	Controlled Substance – Attempt – Misdemeanor
333.7410(1)	Controlled Substance – Delivery to Minor (Narcotic or Cocaine) Less Than 50 Grams
333.7410(1)	Controlled Substance – Delivery to Minor (Schedules 1, 2 and 3 Except Marihuana, Methamphetamine, Ecstasy/MDMA and Cocaine)
333.7410(1)	Controlled Substance – Delivery of Ecstasy/MDMA to Minor
333.7410(1)	Controlled Substance – Delivery of Methamphetamine to Minor
333.7410(1)	Controlled Substance – Delivery to Minor (Substance Added to Schedules 1, 2, & 3 By Rule)
333.7410(1)	Controlled Substance – Delivery to Minor (Schedule 4)
333.7410(1)	Controlled Substance – Delivery to Minor Marihuana
333.7410(1)	Controlled Substance – Delivery to Minor (Added to Schedule 4 By Board Rule)
333.7410(1)	Controlled Substance – Delivery to Minor (Schedule 5)
333.7410(1)	Controlled Substance – Delivery of GBL to Minor
333.7410(2)	Controlled Substance – Delivery on School or Library Property (Narcotics or Cocaine) Less Than 50 Grams
333.7410(3)	Controlled Substance – Possession With Intent to Deliver on School or Library Property (Narcotic or Cocaine) Less Than 50 Grams
333.7410(4)	Controlled Substance – Possession On School or Library Property (Narcotic or Cocaine) Less Than 25 Grams
333.7410(4)	Controlled Substance – Possession On School or Library Property Schedules 1, 2, 3, 4
333.7410(4)	Controlled Substance – Possession on School or Library Property (Schedule 5)
333.7410(4)	Controlled Substance – Possession of Marijuana on School or Library Property

333.7410(4)	Controlled Substance – Possession of GBL on School or Library Property
333.7410(4)	Controlled Substance – Possession on School or Library Property – Methamphetamine
333.7410(6)	Controlled Substance – Manufacture of Methamphetamine on School or Library Property
333.7410a	Controlled Substance – Delivery/Possession in a Park
333.7410a	Controlled Substance – Delivery/Possession in a Park – Methamphetamine
333.7413(1)	Controlled Substance – 2 nd or Subsequent Offense Notice – Double Penalty – Felony
333.7413(1)	Controlled Substance – 2 nd or Subsequent Offense Notice – Double Penalty – High Misdemeanor
333.7413(1)	Controlled Substance – 2 nd or Subsequent Offense Notice – Double Penalty – Misdemeanor
333.7413(2)	Controlled Substance – Delivery/Possession With Intent to Deliver on School property (Narcotic or Cocaine) Less Than 50 Grams – 2 nd or Subsequent Offense Notice
333.7416	Controlled Substance – Inducing A Minor To Commit A Felony
333.7417	Controlled Substance – Selling Falsely Represent Products
333.7453	Controlled Substance – Sale of Paraphernalia
333.7455	Controlled Substance – Sale of Paraphernalia to Minor

Appendix D (Bench Warrants – Failure to Appear)¹



1. Judges still retain authority to issue show causes or summons as provided by law. This flowchart only summarizes the process for issuing bench warrants for failing to appear.

2. "Assaultive crime" and "domestic violence" are defined in MCL 764.3(5).

3. When delaying the issuance of a warrant, the court shall not revoke the release order or declare bond forfeited. The court may enter a revocation/forfeiture order upon the issuance of the warrant. MCL 764.3(2).