

PROBATION STATUTES

A Pre-Sentence Investigation is not required for a defendant charged with a misdemeanor offense, but may be ordered at the discretion of the court. MCLA 771.14(1).

The period of probation shall not exceed 2 years for a misdemeanor offense. MCLA 771.2(1).

There are three standard conditions of probation which should appear on every probationary order:
MCLA 771.3

1. The probationer shall not violate any state, federal or local laws during the probationary term.
2. The probationer shall not leave the state without permission of the court.
3. The probationer shall report to the probation office monthly, or as often as directed by the probation officer.

In addition, other conditions may be imposed including, but not limited to; jail, fines, costs, community service, restitution, mental health or substance abuse treatment/counseling, or electronic monitoring. However, "... there must be a rational relationship between the restriction and rehabilitation," *People v Loretta Miller*, 182 Mich App 711, 713 (1990).

People v Marks, 340 Mich 495 states that "probation is not a matter of right but a privilege and rests in the sound discretion of the court."

People v Smith, 195 Mich App 147 holds that time spent in an electronic tether program is not equivalent to confinement in jail. Therefore, an individual is not entitled to receive jail credit for participation in that program.