

ORDINANCE NO. C- 720

**CHARTER TOWNSHIP OF WEST BLOOMFIELD,
OAKLAND COUNTY, STATE OF MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Chapter 15, by adding Section 15-14 of the Code of Ordinances, of the Charter Township of West Bloomfield, Michigan, to provide for deferral of proceedings and placement of an accused on probation without judgment of guilty for a first time offender; to provide for proceedings upon violation of probation; to provide for discharge and dismissal.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS

SECTION 1.

That the Code of Ordinances, Charter Township of West Bloomfield, Michigan, is hereby amended by adding a Section, to be numbered 15-14, to Chapter 5 of the Code of Ordinances, which said section reads as follows:

Sec. 15-14. Deferral of proceedings and placement of accused on probation without judgment of guilt; violation of probation; discharge and dismissal.

(a) When an individual who has not previously been convicted of or received a juvenile adjudication for any violation of a criminal offense, excluding traffic offenses, under this Code or any statute of the United State or of any state or local ordinance, pleads guilty or nolo contendere to a violation of a township ordinance, the court, without entering a judgment of guilt shall, upon motion by the Township Prosecuting Attorney, defer further proceedings and place the individual on probation upon terms and conditions that include, but are not limited to, payment of costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3.

(b) Upon violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including additional penalties imposed by state law for a second or subsequent conviction. There may be only 1 discharge and dismissal under this subsection as to an individual.

(c) The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. These records shall be furnished to a

court, prosecutor, city attorney, or police agency upon request for the purpose of determining if an individual has already utilized this subsection.

SECTION 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they commenced.

SECTION 5.

This Ordinance as ordered shall take effect immediately after its adoption and upon publication.

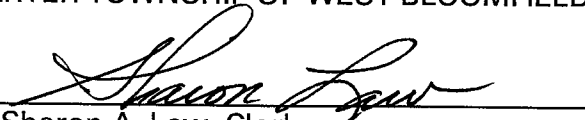
SECTION 6.

The Township Clerk shall publish this ordinance in the manner required by law and a copy of this Ordinance may be inspected or purchased at the Township Clerk's office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.

CERTIFICATION

It is certified that the Ordinance set forth above was duly adopted by the Board of Trustees of the Charter Township of West Bloomfield at a meeting duly called and held on February 19, 2008, to be effective upon publication as provided by law.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: 
Sharon A. Law, Clerk

INTRODUCED: 02/04/08
ADOPTED: 02/19/08
EFFECTIVE: 02/25/08
PUBLISHED: 02/24/08