



House  
Legislative  
Analysis  
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## JUVENILE SENTENCING; ADDITION OF ADULT SENTENCE

House Bills 4371 and 4372  
Sponsor: Rep. Jim McBryde  
Committee: Judiciary and Civil Rights

Complete to 9-8-95

### A SUMMARY OF HOUSE BILLS 4371 AND 4372 AS INTRODUCED 2-9-95

House Bill 4372 would amend the Code of Criminal Procedure (MCL 803.307) to allow a circuit or recorder's court to impose an adult sentence on a juvenile at the conclusion of his or her juvenile probation period under certain circumstances. The provisions would apply to juveniles sentenced on or after October 1, 1995.

The bill would require the circuit or recorder's court to conduct a final review of probation of a juvenile committed by that court to a state juvenile institution or agency. The review would have to be held no less than three months prior to the end of the period the juvenile was on probation and committed to the state institution or agency. The bill would allow the court to impose on the juvenile any other sentence provided by law for an adult offender if the court determined at the review that a further sentence would be in the public's best interest.

In making its determination, the court would have to examine the extent to which it appeared that the juvenile had been rehabilitated and reach a conclusion as to whether imposing a further adult sentence would be warranted. The court would be required to consider all of the following in making its decision: a) the juvenile's participation in counseling, education, or work programs; b) his or her willingness to accept responsibility for prior behavior; c) the juvenile's current behavior; d) his or her prior record, and physical and mental maturity; e) the potential for violent conduct; f) the recommendations of the state institution charged with the juvenile's care; g) the best interests of public welfare and the protection of the public's security; h) the effect of treatment on the juvenile's rehabilitation; i) whether the juvenile is likely to be a danger to the public if released; and j) any other information provided by the prosecuting attorney and/or the juvenile.

No less than 14 days prior to the date of the final review hearing, the court would be required to provide notice of the hearing to the prosecuting attorney, the juvenile, and, if addresses were available, to the juvenile's parents or guardian. The notice would have to indicate that the court would have the authority to impose an adult sentence upon the juvenile at the hearing and also inform the juvenile and his or her parents or guardian that the juvenile would have the right to have legal counsel present at the hearing. If the juvenile did not have legal counsel to represent him or her, the court would have to appoint counsel for him or her and could charge the cost of providing counsel to the juvenile or to whomever was responsible for his or her support, or both, provided that the people charged were financially able to comply.

House Bills 4371 and 4372 (9-8-95)

If the court decided to impose a further adult sentence on the juvenile as a result of the review, the juvenile would receive credit for time already served during on probation and committed to a state institution or agency.

House Bill 4371 would amend the Youth Rehabilitation Services Act (MCL 769.1b and 769.28). Where the court had sentenced the juvenile under the provisions of House Bill 4372, the bill would require the juvenile to be discharged from state wardship and committed under the adult sentence as per the court's order. In other words, it would allow for the juvenile offender to be promptly released from his or her juvenile punishment and equally promptly committed to an adult place of incarceration in conformity with the court's order. House Bill 4371 is tie-barred to House Bill 4372.