



**House
Legislative
Analysis
Section**

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JUVENILE DIVERSION: FAILURE TO COMPLY

House Bill 4980

Sponsor: Rep. Thomas Kelly

Committee: Judiciary and Civil Rights

Complete to 1-12-96

A SUMMARY OF HOUSE BILL 4980 AS INTRODUCED 6-16-95

The Juvenile Diversion Act provides guidelines concerning law enforcement agencies' decisions to "divert" a juvenile rather than petitioning the court or authorizing a petition for the minor to be tried as an adult. A juvenile is "diverted" when an agreement is reached where a minor, who has been apprehended for committing a crime that could result in the minor being tried as an adult, is either: a) released into the custody of his or her parents or guardian, or b) the minor and the minor's parent or guardian agree to work with a person or organization that would assist the minor and his or her parents or guardian to resolve the problem which led to the minor's arrest. Usually an agreement is made wherein the juvenile agrees to comply with the diversion or referral plan and the law enforcement agency agrees not to seek prosecution of the minor as an adult.

The bill would amend the act to require the minor to comply with the terms of the diversion agreement and the referral plan in order to prevent a petition from being filed with the court or, if a petition has already been filed, to prevent it from being authorized. A law enforcement official or court intake worker would be able to revoke a diversion agreement if the minor failed to comply the terms of the agreement and the referral plan. If, under the bill, a diversion agreement had been revoked, the law enforcement official or the court intake worker responsible for the revocation would be required to file with the court information concerning the fact of and reasons for the revocation. After a diversion agreement had been revoked due to the minor's failure to comply with its terms, the minor could be tried as an adult as provided by law.

House Bill 4980 (1-12-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.