



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

---

---

BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

---

---

Senate Bills 699, 700, and 701  
Sponsor: Senator Dick Posthumus  
Committee: Judiciary

Date Completed: 10-3-95

**SUMMARY OF SENATE BILLS 699, 700, and 701 as introduced 9-27-95:**

**Senate Bills 699, 700, and 701 would amend the Code of Criminal Procedure, the Youth Rehabilitation Services Act, and the Juvenile Facilities Act, respectively, to require the sentencing of certain juveniles as adults.** Currently, a judge of a court of general criminal jurisdiction who has jurisdiction over a juvenile, due to direct prosecutorial filing of criminal charges for certain offenses, may sentence the offender as an adult or sentence the offender to probation and commit him or her to a juvenile facility.

Senate Bills 700 and 701 are tie-barred to Senate Bill 699.

**Senate Bill 699**

The bill would require the judge of a court of criminal jurisdiction to sentence a person under 17 years of age who was under the court's jurisdiction, due either to direct prosecutorial filing of criminal charges against the juvenile or waiver of jurisdiction by the juvenile division of probate court (juvenile court), in the same manner as it would sentence an adult.

The bill would delete provisions of the Code requiring a judge of a court of general criminal jurisdiction having jurisdiction over a juvenile, due to direct prosecutorial filing of criminal charges, to conduct a hearing at the juvenile's sentencing to determine if the best interests of the juvenile and the public would be served by placing the juvenile on probation and committing him or her to a juvenile facility. The bill also would delete provisions that require the juvenile or those responsible for his or her support to reimburse the court for the cost of care or service in a juvenile facility and attorney fees for appointed counsel.

A court of criminal jurisdiction that committed a juvenile to a juvenile facility before the bill's effective date would continue to retain jurisdiction over the juvenile.

In addition, the bill would repeal a requirement that the Department of Social Services (DSS) prepare a presentencing report on a juvenile tried in a court of criminal jurisdiction following direct prosecutorial filing of criminal charges against the juvenile (MCL 771.14a).

**Senate Bill 700**

The bill would delete a requirement that, before a juvenile tried as an adult and committed to a juvenile facility is discharged from State wardship, the court of general criminal jurisdiction that

committed the juvenile approve of the discharge. The bill also would refer to the “former” provisions allowing a court of general criminal jurisdiction to commit to a juvenile facility certain juveniles tried as adults.

### **Senate Bill 701**

The bill would refer to the “former” provisions allowing a court of general criminal jurisdiction to commit to a juvenile facility certain juveniles tried as adults. The bill also would repeal a provision requiring the DSS to report to a court of general criminal jurisdiction on a juvenile tried and convicted as adult following direct prosecutorial filing of criminal charges, but committed to a juvenile facility pending trial (MCL 803.224).

MCL 769.1 et al. (S.B. 699)  
803.302 & 803.307 (S.B. 700)  
803.222 (S.B. 701)

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The following analysis is based on preliminary data.

While the bills would result in increased costs for the Department of Corrections (DOC), they also would result in savings for the Department of Social Services. In the long term, annual net savings to the State could range between \$6.4 million and \$14.0 million.

Since the bills would require an adult sentence (and prohibit a DSS facility commitment) for any juvenile offender sentenced by an adult court, any offender currently being sentenced through adult court and into a DSS facility would under the bills, instead receive an adult sentence, i.e., prison, probation, jail, etc. (Currently, a juvenile convicted in adult court can receive a DSS sentence only if he or she has been convicted by means of the prosecutor’s filing directly.) Consequently, commitments to the DSS should in the future be reduced, while DOC commitments should increase. In 1994, there were 315 prosecutorial motions filed to try juveniles in adult court: 188 motions filed directly by the prosector, and 127 filed through the traditional waiver process. The DOC received 170 juvenile commitments in 1994. If one assumes that all 315 motions filed in 1994 resulted in dispositions in 1994, the remaining 145 offenders not sentenced to the DOC were either given a nonprison adult sentence, committed to the DSS, or found not guilty. If one assumes that the remaining 145 offenders were all found guilty, and that they all received a sentence to the DSS (rather than straight probation), and given that the only method by which a juvenile sentenced by adult court can be committed to the DSS is by the direct filing of the prosecutor in adult court, then the 145 cases not sentenced to prison must have been the result of the 188 direct files. In other words, if the assumptions hold true, 77.1% of the cases in which the prosector files directly result in a commitment to the DSS.

Since the average annual operating cost of a DSS facility, either a residential care facility or a detention center, ranges between \$61,600 and \$78,900, and average annual operating costs at the DOC are approximately \$20,000, the State could realize savings ranging from \$41,600 to \$58,900 for each offender not sentenced to DSS and instead sentenced to the DOC (assuming equal sentence lengths). In 1994, the average minimum sentence for juvenile offenders sentenced to the DOC was seven years. If one assumes an average sentence length of three years in a DSS facility, and that 145 offenders each year would be sentenced to a DOC facility instead of the DSS, then the costs of sentencing 145 offenders to the DOC for seven years would total \$20.3 million compared with the \$26.7 million to \$34.3 million it would cost in a DSS facility. In the long term,

annual savings to the State would range between \$6.4 million and \$14.0 million, assuming that the DSS would reduce operating expenses commensurate with the reduction in future juvenile admissions. This analysis does not include any increase for capital costs of constructing new beds to incarcerate the projected increase in the number of juvenile commitments.

In addition, while one might assume that juveniles tried in adult court are probably candidates for some type of incarceration, the bill would require an adult sentence which could include other types of adult sentences, including probation, community service, or electronic monitoring, for which costs are significantly less than prison (see table below).

<b>AVERAGE ANNUAL STATE COSTS</b>	
<u>Department of Social Services</u>	<u>Department of Corrections</u>
Detention Center. . . . .	Probation. . . . .
\$ 78,900	\$ 3,000
Family Group/Shelter Homes. . . . .	Tether. . . . .
9,700-9,325	2,375
Residential Care Center. . . . .	Boot Camp*. . . . .
61,600	11,500
Foster Family Homes. . . . .	Secure Confinement. . . . .
7,264	20,000

\* Includes 1 yr. intensive supervision.

Deleting the provisions that require the juvenile or those responsible for his or her support to reimburse the court for the cost of care or service in a juvenile facility and attorney fees for appointed counsel would mean a loss of revenue to the courts and the State based on 1993 revenue data from the State Court Administrative Office. Approximately \$1 million to \$2 million in revenue would be lost, one-third of which is returned to the State with the remainder going to the local funding units for trial courts.

Fiscal Analyst: M. Hansen  
C. Cole  
M. Bain

S9596\S699SA

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.