



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4980 (as reported with amendment)
Sponsor: Representative Thomas Kelly House
Committee: Judiciary and Civil Rights Senate
Committee: Judiciary

CONTENT

The bill would amend the Juvenile Diversion Act to provide that, if a minor failed to comply with the terms of a diversion agreement and referral, a law enforcement official or court intake worker could revoke the agreement. The bill also would extend from 14 days to 30 days the period after a failed diversion agreement conference during which a petition concerning the minor may be filed with the juvenile division of probate court (juvenile court). The bill would take effect on May 1, 1996.

A law enforcement official or court intake worker may, among other things, divert a minor being investigated for an alleged offense by referring the minor to a person, organization, or agency that will assist in resolving the problem. A minor accused or charged with an assaultive offense may not be diverted from the juvenile court. If a conference with the minor and the minor's parents results in diversion, the terms of diversion must be set forth in writing. If an agreement on diversion is not reached at the conference, a petition may be filed, but the petition must be filed with the juvenile court no later than 14 days after the conference. The bill would require filing within 30 days.

The bill would require that a minor and his or her parent be informed that a juvenile court petition could not be filed or authorized if diversion were agreed to and the minor complied with the terms of diversion. If the minor failed to comply, the officer or court worker could revoke the diversion agreement. If diversion were revoked, a petition could be filed with the juvenile court and the law enforcement official or court worker would have to file with the juvenile court the fact of and reasons for the revocation.

MCL 722.825 & 722.826

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill could have an indeterminate fiscal impact on the State Department of Social Services budget under certain conditions of a diversion agreement. It is not clear how many cases would be affected, but the rescission of a diversion agreement could cause more juveniles to be detained for services by the State delinquency services system. The juveniles, under the proposed system, could enter the system on the basis of a revocation of the agreement, while under the current system an arrest is necessary. On the other hand, juvenile detention could be averted by the agreement, but only if the juvenile continued to comply with the diversion agreement.

The bill would have a minimal fiscal impact on the courts. Depending on the number of revoked diversions, the probate court could see an increase in petitions filed. However, the current use of diversion agreements by law enforcement and court intake workers is minimal.

Date Completed: 2-22-96

Fiscal Analyst: C. Cole
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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.