

HOUSE BILL No. 4595

March 17, 2009, Introduced by Reps. Scripps, Meadows, Warren, Robert Jones, Tlaib, Miller, Johnson, Jackson, Young, Durhal, Bettie Scott, Smith, Sheltroun, Cushingberry, Haugh and Roberts and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2d and 18 of chapter XIIA (MCL 712A.2d and 712A.18), section 2d as amended by 1998 PA 478 and section 18 as amended by 2004 PA 475.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIA

1
2 Sec. 2d. (1) In a petition or amended petition alleging that a
3 juvenile is within the court's jurisdiction under section 2(a)(1)
4 of this chapter for a specified juvenile violation, the prosecuting
5 attorney may designate the case as a case in which the juvenile is
6 to be tried in the same manner as an adult. An amended petition
7 making a designation under this subsection shall be filed only by
8 leave of the court.

9 (2) In a petition alleging that a juvenile is within the

1 court's jurisdiction under section 2(a)(1) of this chapter for an
2 offense other than a specified juvenile violation, the prosecuting
3 attorney may request that the court designate the case as a case in
4 which the juvenile is to be tried in the same manner as an adult.
5 The court may designate the case following a hearing if it
6 determines that the best interests of the juvenile and the public
7 would be served by the juvenile being tried in the same manner as
8 an adult. In determining whether the best interests of the juvenile
9 and the public would be served, the court shall consider all of the
10 following factors, giving greater weight to the seriousness of the
11 alleged offense and the juvenile's prior delinquency record than to
12 the other factors:

13 (a) The seriousness of the alleged offense in terms of
14 community protection, including, but not limited to, the existence
15 of any aggravating factors recognized by the sentencing guidelines,
16 the use of a firearm or other dangerous weapon, and the impact on
17 any victim.

18 (b) The juvenile's culpability in committing the alleged
19 offense, including, but not limited to, the level of the juvenile's
20 participation in planning and carrying out the offense and the
21 existence of any aggravating or mitigating factors recognized by
22 the sentencing guidelines.

23 (c) The juvenile's prior record of delinquency including, but
24 not limited to, any record of detention, any police record, any
25 school record, or any other evidence indicating prior delinquent
26 behavior.

27 (d) The juvenile's programming history, including, but not

1 limited to, the juvenile's past willingness to participate
2 meaningfully in available programming.

3 (e) The adequacy of the punishment or programming available in
4 the juvenile justice system.

5 (f) The dispositional options available for the juvenile.

6 (3) If a case is designated under this section, the case shall
7 be set for trial in the same manner as the trial of an adult in a
8 court of general criminal jurisdiction unless a probable cause
9 hearing is required under subsection (4).

10 (4) If the petition in a case designated under this section
11 alleges an offense that if committed by an adult would be a felony
12 or punishable by imprisonment for more than 1 year, the court shall
13 conduct a probable cause hearing not later than 14 days after the
14 case is designated to determine whether there is probable cause to
15 believe the offense was committed and whether there is probable
16 cause to believe the juvenile committed the offense. This hearing
17 may be combined with the designation hearing under subsection (2)
18 for an offense other than a specified juvenile offense. A probable
19 cause hearing under this section is the equivalent of the
20 preliminary examination in a court of general criminal jurisdiction
21 and satisfies the requirement for that hearing. A probable cause
22 hearing shall be conducted by a judge other than the judge who will
23 try the case if the juvenile is tried in the same manner as an
24 adult.

25 (5) If the court determines there is probable cause to believe
26 the offense alleged in the petition was committed and probable
27 cause to believe the juvenile committed the offense, the case shall

1 be set for trial in the same manner as the trial of an adult in a
2 court of general criminal jurisdiction.

3 (6) If the court determines that an offense did not occur or
4 there is not probable cause to believe the juvenile committed the
5 offense, the court shall dismiss the petition. If the court
6 determines there is probable cause to believe another offense was
7 committed and there is probable cause to believe the juvenile
8 committed that offense, the court may further determine whether the
9 case should be designated as a case in which the juvenile should be
10 tried in the same manner as an adult as provided in subsection (2).
11 If the court designates the case, the case shall be set for trial
12 in the same manner as the trial of an adult in a court of general
13 criminal jurisdiction.

14 (7) If a case is designated under this section, the
15 proceedings are criminal proceedings and shall afford all
16 procedural protections and guarantees to which the juvenile would
17 be entitled if being tried for the offense in a court of general
18 criminal jurisdiction. A plea of guilty or nolo contendere or a
19 verdict of guilty shall result in entry of a judgment of
20 conviction. The conviction shall have the same effect and
21 liabilities as if it had been obtained in a court of general
22 criminal jurisdiction.

23 (8) Following a judgment of conviction, the court shall enter
24 a disposition or impose a sentence authorized under section
25 ~~18(1)(n)~~ **18(1)(M)** of this chapter.

26 (9) As used in this section, "specified juvenile violation"
27 means any of the following:

1 (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,
2 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,
3 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
4 750.349, 750.520b, 750.529, 750.529a, and 750.531.

5 (b) A violation of section 84 or 110a(2) of the Michigan penal
6 code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is
7 armed with a dangerous weapon. As used in this subdivision,
8 "dangerous weapon" means 1 or more of the following:

9 (i) A loaded or unloaded firearm, whether operable or
10 inoperable.

11 (ii) A knife, stabbing instrument, brass knuckles, blackjack,
12 club, or other object specifically designed or customarily carried
13 or possessed for use as a weapon.

14 (iii) An object that is likely to cause death or bodily injury
15 when used as a weapon and that is used as a weapon or carried or
16 possessed for use as a weapon.

17 (iv) An object or device that is used or fashioned in a manner
18 to lead a person to believe the object or device is an object or
19 device described in subparagraphs (i) to (iii).

20 (c) A violation of section 186a of the Michigan penal code,
21 1931 PA 328, MCL 750.186a, regarding escape or attempted escape
22 from a juvenile facility, but only if the juvenile facility from
23 which the juvenile escaped or attempted to escape was 1 of the
24 following:

25 (i) A high-security or medium-security facility operated by the
26 ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** or a county
27 juvenile agency.

1 (ii) A high-security facility operated by a private agency
2 under contract with the ~~family independence agency~~ **DEPARTMENT OF**
3 **HUMAN SERVICES** or a county juvenile agency.

4 (d) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
5 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403.

6 (e) An attempt to commit a violation described in subdivisions
7 (a) to (d).

8 (f) Conspiracy to commit a violation described in subdivisions
9 (a) to (d).

10 (g) Solicitation to commit a violation described in
11 subdivisions (a) to (d).

12 (h) Any lesser included offense of an offense described in
13 subdivisions (a) to (g) if the juvenile is alleged in the petition
14 to have committed an offense described in subdivisions (a) to (g).

15 (i) Any other offense arising out of the same transaction as
16 an offense described in subdivisions (a) to (g) if the juvenile is
17 alleged in the petition to have committed an offense described in
18 subdivisions (a) to (g).

19 Sec. 18. (1) If the court finds that a juvenile concerning
20 whom a petition is filed is not within this chapter, the court
21 shall enter an order dismissing the petition. Except as otherwise
22 provided in subsection (10), if the court finds that a juvenile is
23 within this chapter, the court may enter any of the following
24 orders of disposition that are appropriate for the welfare of the
25 juvenile and society in view of the facts proven and ascertained:

26 (a) Warn the juvenile or the juvenile's parents, guardian, or
27 custodian and, except as provided in subsection (7), dismiss the

1 petition.

2 (b) Place the juvenile on probation, or under supervision in
3 the juvenile's own home or in the home of an adult who is related
4 to the juvenile. As used in this subdivision, "related" means an
5 individual who is at least 18 years of age and related to the child
6 by blood, marriage, or adoption, as grandparent, great-grandparent,
7 great-great-grandparent, aunt or uncle, great-aunt or great-uncle,
8 great-great-aunt or great-great-uncle, sibling, stepsibling, nephew
9 or niece, first cousin or first cousin once removed, and the spouse
10 of any of the above, even after the marriage has ended by death or
11 divorce. A child may be placed with the parent of a man whom the
12 court has found probable cause to believe is the putative father if
13 there is no man with legally established rights to the child. This
14 placement of the child with the parent of a man whom the court has
15 found probable cause to believe is the putative father is for the
16 purposes of placement only and is not to be construed as a finding
17 of paternity or to confer legal standing. The court shall order the
18 terms and conditions of probation or supervision, including
19 reasonable rules for the conduct of the parents, guardian, or
20 custodian, if any, as the court determines necessary for the
21 physical, mental, or moral well-being and behavior of the juvenile.
22 The court may order that the juvenile participate in a juvenile
23 drug treatment court under chapter 10A of the revised judicature
24 act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082. The court also
25 shall order, as a condition of probation or supervision, that the
26 juvenile shall pay the minimum state cost prescribed by section 18m
27 of this chapter.

1 (c) If a juvenile is within the court's jurisdiction under
2 section 2(a) of this chapter, or under section 2(h) of this chapter
3 for a supplemental petition, place the juvenile in a suitable
4 foster care home subject to the court's supervision. If a juvenile
5 is within the court's jurisdiction under section 2(b) of this
6 chapter, the court shall not place a juvenile in a foster care home
7 subject to the court's supervision.

8 (d) Except as otherwise provided in this subdivision, place
9 the juvenile in or commit the juvenile to a private institution or
10 agency approved or licensed by the department of consumer and
11 industry services for the care of juveniles of similar age, sex,
12 and characteristics. If the juvenile is not a ward of the court,
13 the court shall commit the juvenile to the ~~family independence~~
14 ~~agency~~ **DEPARTMENT OF HUMAN SERVICES** or, if the county is a county
15 juvenile agency, to that county juvenile agency for placement in or
16 commitment to such an institution or agency as the ~~family~~
17 ~~independence agency~~ **DEPARTMENT OF HUMAN SERVICES** or county juvenile
18 agency determines is most appropriate, subject to any initial level
19 of placement the court designates.

20 (e) Except as otherwise provided in this subdivision, commit
21 the juvenile to a public institution, county facility, institution
22 operated as an agency of the court or county, or agency authorized
23 by law to receive juveniles of similar age, sex, and
24 characteristics. If the juvenile is not a ward of the court, the
25 court shall commit the juvenile to the ~~family independence agency~~
26 **DEPARTMENT OF HUMAN SERVICES** or, if the county is a county juvenile
27 agency, to that county juvenile agency for placement in or

1 commitment to such an institution or facility as the ~~family~~
2 ~~independence agency~~ **DEPARTMENT OF HUMAN SERVICES** or county juvenile
3 agency determines is most appropriate, subject to any initial level
4 of placement the court designates. If a child is not less than 17
5 years of age and is in violation of a personal protection order,
6 the court may commit the child to a county jail within the adult
7 prisoner population. In a placement under subdivision (d) or a
8 commitment under this subdivision, except to a state institution or
9 a county juvenile agency institution, the juvenile's religious
10 affiliation shall be protected by placement or commitment to a
11 private child-placing or child-caring agency or institution, if
12 available. Except for commitment to the ~~family independence agency~~
13 **DEPARTMENT OF HUMAN SERVICES** or a county juvenile agency, an order
14 of commitment under this subdivision to a state institution or
15 agency described in the youth rehabilitation services act, 1974 PA
16 150, MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to
17 400.214, the court shall name the superintendent of the institution
18 to which the juvenile is committed as a special guardian to receive
19 benefits due the juvenile from the government of the United States.
20 An order of commitment under this subdivision to the ~~family~~
21 ~~independence agency~~ **DEPARTMENT OF HUMAN SERVICES** or a county
22 juvenile agency shall name that agency as a special guardian to
23 receive those benefits. The benefits received by the special
24 guardian shall be used to the extent necessary to pay for the
25 portions of the cost of care in the institution or facility that
26 the parent or parents are found unable to pay.

27 (f) Provide the juvenile with medical, dental, surgical, or

1 other health care, in a local hospital if available, or elsewhere,
2 maintaining as much as possible a local physician-patient
3 relationship, and with clothing and other incidental items the
4 court determines are necessary.

5 (g) Order the parents, guardian, custodian, or any other
6 person to refrain from continuing conduct that the court determines
7 has caused or tended to cause the juvenile to come within or to
8 remain under this chapter or that obstructs placement or commitment
9 of the juvenile by an order under this section.

10 (h) Appoint a guardian under section 5204 of the estates and
11 protected individuals code, 1998 PA 386, MCL 700.5204, in response
12 to a petition filed with the court by a person interested in the
13 juvenile's welfare. If the court appoints a guardian as authorized
14 by this subdivision, it may dismiss the petition under this
15 chapter.

16 (i) Order the juvenile to engage in community service.

17 (j) If the court finds that a juvenile has violated a
18 municipal ordinance or a state or federal law, order the juvenile
19 to pay a civil fine in the amount of the civil or penal fine
20 provided by the ordinance or law. Money collected from fines levied
21 under this subsection shall be distributed as provided in section
22 29 of this chapter.

23 (k) If a juvenile is within the court's jurisdiction under
24 section 2(a)(1) of this chapter, order the juvenile's parent or
25 guardian to personally participate in treatment reasonably
26 available in the parent's or guardian's location.

27 (l) If a juvenile is within the court's jurisdiction under

1 section 2(a)(1) of this chapter, place the juvenile in and order
2 the juvenile to complete satisfactorily a program of training in a
3 juvenile boot camp established by the ~~family independence agency~~
4 **DEPARTMENT OF HUMAN SERVICES** under the juvenile boot camp act, 1996
5 PA 263, MCL 400.1301 to 400.1309, as provided in that act. If the
6 county is a county juvenile agency, however, the court shall commit
7 the juvenile to that county juvenile agency for placement in the
8 program under that act. Upon receiving a report of satisfactory
9 completion of the program from the ~~family independence agency~~
10 **DEPARTMENT OF HUMAN SERVICES**, the court shall authorize the
11 juvenile's release from placement in the juvenile boot camp.
12 Following satisfactory completion of the juvenile boot camp
13 program, the juvenile shall complete an additional period of not
14 less than 120 days or more than 180 days of intensive supervised
15 community reintegration in the juvenile's local community. To place
16 or commit a juvenile under this subdivision, the court shall
17 determine all of the following:

18 (i) Placement in a juvenile boot camp will benefit the
19 juvenile.

20 (ii) The juvenile is physically able to participate in the
21 program.

22 (iii) The juvenile does not appear to have any mental handicap
23 that would prevent participation in the program.

24 (iv) The juvenile will not be a danger to other juveniles in
25 the boot camp.

26 (v) There is an opening in a juvenile boot camp program.

27 (vi) If the court must commit the juvenile to a county juvenile

1 agency, the county juvenile agency is able to place the juvenile in
2 a juvenile boot camp program.

3 (m) If the court entered a judgment of conviction under
4 section 2d of this chapter, enter any disposition under this
5 section or, if the court determines that the best interests of the
6 public would be served, impose any sentence upon the juvenile that
7 could be imposed upon an adult convicted of the offense for which
8 the juvenile was convicted, **OTHER THAN IMPRISONMENT FOR LIFE**
9 **WITHOUT PAROLE ELIGIBILITY**. If the juvenile is convicted of a
10 violation or conspiracy to commit a violation of section
11 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7403,
12 the court may impose the alternative sentence permitted under that
13 section if the court determines that the best interests of the
14 public would be served. The court may delay imposing a sentence of
15 imprisonment under this subdivision for a period not longer than
16 the period during which the court has jurisdiction over the
17 juvenile under this chapter by entering an order of disposition
18 delaying imposition of sentence and placing the juvenile on
19 probation upon the terms and conditions it considers appropriate,
20 including any disposition under this section. If the court delays
21 imposing sentence under this section, section 18i of this chapter
22 applies. If the court imposes sentence, it shall enter a judgment
23 of sentence. If the court imposes a sentence of imprisonment, the
24 juvenile shall receive credit against the sentence for time served
25 before sentencing. In determining whether to enter an order of
26 disposition or impose a sentence under this subdivision, the court
27 shall consider all of the following factors, giving greater weight

1 to the seriousness of the offense and the juvenile's prior record:

2 (i) The seriousness of the offense in terms of community
3 protection, including, but not limited to, the existence of any
4 aggravating factors recognized by the sentencing guidelines, the
5 use of a firearm or other dangerous weapon, and the impact on any
6 victim.

7 (ii) The juvenile's culpability in committing the offense,
8 including, but not limited to, the level of the juvenile's
9 participation in planning and carrying out the offense and the
10 existence of any aggravating or mitigating factors recognized by
11 the sentencing guidelines.

12 (iii) The juvenile's prior record of delinquency including, but
13 not limited to, any record of detention, any police record, any
14 school record, or any other evidence indicating prior delinquent
15 behavior.

16 (iv) The juvenile's programming history, including, but not
17 limited to, the juvenile's past willingness to participate
18 meaningfully in available programming.

19 (v) The adequacy of the punishment or programming available in
20 the juvenile justice system.

21 (vi) The dispositional options available for the juvenile.

22 (2) An order of disposition placing a juvenile in or
23 committing a juvenile to care outside of the juvenile's own home
24 and under state, county juvenile agency, or court supervision shall
25 contain a provision for reimbursement by the juvenile, parent,
26 guardian, or custodian to the court for the cost of care or
27 service. The order shall be reasonable, taking into account both

1 the income and resources of the juvenile, parent, guardian, or
2 custodian. The amount may be based upon the guidelines and model
3 schedule created under subsection (6). If the juvenile is receiving
4 an adoption support subsidy under sections 115f to 115m of the
5 social welfare act, 1939 PA 280, MCL 400.115f to 400.115m, the
6 amount shall not exceed the amount of the support subsidy. The
7 reimbursement provision applies during the entire period the
8 juvenile remains in care outside of the juvenile's own home and
9 under state, county juvenile agency, or court supervision, unless
10 the juvenile is in the permanent custody of the court. The court
11 shall provide for the collection of all amounts ordered to be
12 reimbursed and the money collected shall be accounted for and
13 reported to the county board of commissioners. Collections to cover
14 delinquent accounts or to pay the balance due on reimbursement
15 orders may be made after a juvenile is released or discharged from
16 care outside the juvenile's own home and under state, county
17 juvenile agency, or court supervision. Twenty-five percent of all
18 amounts collected under an order entered under this subsection
19 shall be credited to the appropriate fund of the county to offset
20 the administrative cost of collections. The balance of all amounts
21 collected under an order entered under this subsection shall be
22 divided in the same ratio in which the county, state, and federal
23 government participate in the cost of care outside the juvenile's
24 own home and under state, county juvenile agency, or court
25 supervision. The court may also collect from the government of the
26 United States benefits paid for the cost of care of a court ward.
27 Money collected for juveniles placed by the court with or committed

1 to the ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** or a
2 county juvenile agency shall be accounted for and reported on an
3 individual juvenile basis. In cases of delinquent accounts, the
4 court may also enter an order to intercept state or federal tax
5 refunds of a juvenile, parent, guardian, or custodian and initiate
6 the necessary offset proceedings in order to recover the cost of
7 care or service. The court shall send to the person who is the
8 subject of the intercept order advance written notice of the
9 proposed offset. The notice shall include notice of the opportunity
10 to contest the offset on the grounds that the intercept is not
11 proper because of a mistake of fact concerning the amount of the
12 delinquency or the identity of the person subject to the order. The
13 court shall provide for the prompt reimbursement of an amount
14 withheld in error or an amount found to exceed the delinquent
15 amount.

16 (3) An order of disposition placing a juvenile in the
17 juvenile's own home under subsection (1)(b) may contain a provision
18 for reimbursement by the juvenile, parent, guardian, or custodian
19 to the court for the cost of service. If an order is entered under
20 this subsection, an amount due shall be determined and treated in
21 the same manner provided for an order entered under subsection (2).

22 (4) An order directed to a parent or a person other than the
23 juvenile is not effective and binding on the parent or other person
24 unless opportunity for hearing is given by issuance of summons or
25 notice as provided in sections 12 and 13 of this chapter and until
26 a copy of the order, bearing the seal of the court, is served on
27 the parent or other person as provided in section 13 of this

1 chapter.

2 (5) If the court appoints an attorney to represent a juvenile,
3 parent, guardian, or custodian, the court may require in an order
4 entered under this section that the juvenile, parent, guardian, or
5 custodian reimburse the court for attorney fees.

6 (6) The office of the state court administrator, under the
7 supervision and direction of the supreme court, shall create
8 guidelines that the court may use in determining the ability of the
9 juvenile, parent, guardian, or custodian to pay for care and any
10 costs of service ordered under subsection (2) or (3). The
11 guidelines shall take into account both the income and resources of
12 the juvenile, parent, guardian, or custodian.

13 (7) If the court finds that a juvenile comes under section 30
14 of this chapter, the court shall order the juvenile or the
15 juvenile's parent to pay restitution as provided in sections 30 and
16 31 of this chapter and in sections 44 and 45 of the **WILLIAM VAN**
17 **REGENMORTER** crime victim's rights act, 1985 PA 87, MCL 780.794 and
18 780.795.

19 (8) If the court imposes restitution as a condition of
20 probation, the court shall require the juvenile to do either of the
21 following as an additional condition of probation:

22 (a) Engage in community service or, with the victim's consent,
23 perform services for the victim.

24 (b) Seek and maintain paid employment and pay restitution to
25 the victim from the earnings of that employment.

26 (9) If the court finds that the juvenile is in intentional
27 default of the payment of restitution, a court may, as provided in

1 section 31 of this chapter, revoke or alter the terms and
2 conditions of probation for nonpayment of restitution. If a
3 juvenile who is ordered to engage in community service
4 intentionally refuses to perform the required community service,
5 the court may revoke or alter the terms and conditions of
6 probation.

7 (10) The court shall not enter an order of disposition for a
8 juvenile offense as defined in section 1a of 1925 PA 289, MCL
9 28.241a, or a judgment of sentence for a conviction until the court
10 has examined the court file and has determined that the juvenile's
11 fingerprints have been taken and forwarded as required by section 3
12 of 1925 PA 289, MCL 28.243, and as required by the sex offenders
13 registration act, 1994 PA 295, MCL 28.721 to ~~28.732~~**28.736**. If a
14 juvenile has not had his or her fingerprints taken, the court shall
15 do either of the following:

16 (a) Order the juvenile to submit himself or herself to the
17 police agency that arrested or obtained the warrant for the
18 juvenile's arrest so the juvenile's fingerprints can be taken and
19 forwarded.

20 (b) Order the juvenile committed to the sheriff's custody for
21 taking and forwarding the juvenile's fingerprints.

22 (11) Upon final disposition, conviction, acquittal, or
23 dismissal of an offense within the court's jurisdiction under
24 section 2(a)(1) of this chapter, using forms approved by the state
25 court administrator, the clerk of the court entering the final
26 disposition, conviction, acquittal, or dismissal shall immediately
27 advise the department of state police of that final disposition,

1 conviction, acquittal, or dismissal as required by section 3 of
2 1925 PA 289, MCL 28.243. The report to the department of state
3 police shall include information as to the finding of the judge or
4 jury and a summary of the disposition or sentence imposed.

5 (12) If the court enters an order of disposition based on an
6 act that is a juvenile offense as defined in section 1 of 1989 PA
7 196, MCL 780.901, the court shall order the juvenile to pay the
8 assessment as provided in that act. If the court enters a judgment
9 of conviction under section 2d of this chapter for an offense that
10 is a felony, serious misdemeanor, or specified misdemeanor as
11 defined in section 1 of 1989 PA 196, MCL 780.901, the court shall
12 order the juvenile to pay the assessment as provided in that act.

13 (13) If the court has entered an order of disposition or a
14 judgment of conviction for a listed offense as defined in section 2
15 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
16 court, the ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES**,
17 or the county juvenile agency shall register the juvenile or accept
18 the juvenile's registration as provided in the sex offenders
19 registration act, 1994 PA 295, MCL 28.721 to ~~28.732~~ **28.736**.

20 (14) If the court enters an order of disposition placing a
21 juvenile in a juvenile boot camp program, or committing a juvenile
22 to a county juvenile agency for placement in a juvenile boot camp
23 program, and the court receives from the ~~family independence agency~~
24 **DEPARTMENT OF HUMAN SERVICES** a report that the juvenile has failed
25 to perform satisfactorily in the program, that the juvenile does
26 not meet the program's requirements or is medically unable to
27 participate in the program for more than 25 days, that there is no

1 opening in a juvenile boot camp program, or that the county
2 juvenile agency is unable to place the juvenile in a juvenile boot
3 camp program, the court shall release the juvenile from placement
4 or commitment and enter an alternative order of disposition. A
5 juvenile shall not be placed in a juvenile boot camp under an order
6 of disposition more than once, except that a juvenile returned to
7 the court for a medical condition, because there was no opening in
8 a juvenile boot camp program, or because the county juvenile agency
9 was unable to place the juvenile in a juvenile boot camp program
10 may be placed again in the juvenile boot camp program after the
11 medical condition is corrected, an opening becomes available, or
12 the county juvenile agency is able to place the juvenile.

13 (15) If the juvenile is within the court's jurisdiction under
14 section 2(a)(1) of this chapter for an offense other than a listed
15 offense as defined in section 2(e)(i) to ~~(ix)~~ **(x)** and ~~(xi)~~ **(xii)** to
16 ~~(xiii)~~ **(xiv)** of the sex offenders registration act, 1994 PA 295, MCL
17 28.722, the court shall determine if the offense is a violation of
18 a law of this state or a local ordinance of a municipality of this
19 state that by its nature constitutes a sexual offense against an
20 individual who is less than 18 years of age. If so, the order of
21 disposition is for a listed offense as defined in section 2(e)~~(x)~~
22 **2(E)(xi)** of the sex offenders registration act, 1994 PA 295, MCL
23 28.722, and the court shall include the basis for that
24 determination on the record and include the determination in the
25 order of disposition.

26 (16) The court shall not impose a sentence of imprisonment in
27 the county jail under subsection (1)(m) unless the present county

1 jail facility for the juvenile's imprisonment would meet all
2 requirements under federal law and regulations for housing
3 juveniles. The court shall not impose the sentence until it
4 consults with the sheriff to determine when the sentence will begin
5 to ensure that space will be available for the juvenile.

6 (17) In a proceeding under section 2(h) of this chapter, this
7 section only applies to a disposition for a violation of a personal
8 protection order and subsequent proceedings.

9 (18) If a juvenile is within the court's jurisdiction under
10 section 2(a)(1) of this chapter, the court shall order the juvenile
11 to pay costs as provided in section 18m of this chapter.

12 (19) A juvenile who has been ordered to pay the minimum state
13 cost as provided in section 18m of this chapter as a condition of
14 probation or supervision and who is not in willful default of the
15 payment of the minimum state cost may petition the court at any
16 time for a remission of the payment of any unpaid portion of the
17 minimum state cost. If the court determines that payment of the
18 amount due will impose a manifest hardship on the juvenile or his
19 or her immediate family, the court may remit all or part of the
20 amount of the minimum state cost due or modify the method of
21 payment.

22 Enacting section 1. This amendatory act does not take effect
23 unless all of the following bills of the 95th Legislature are
24 enacted into law:

25 (a) Senate Bill No. ____ or House Bill No. 4594 (request no.
26 01625'09).

27 (b) Senate Bill No. ____ or House Bill No. 4596 (request no.

1 01625'09 b).

2 (c) Senate Bill No. _____ or House Bill No. 4518 (request no.

3 01625'09 c).