

SENATE BILL No. 176

January 29, 2009, Introduced by Senators SWITALSKI, BRATER, SCOTT, CLARK-COLEMAN, JACOBS, HUNTER, CLARKE and THOMAS 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 XIIIA (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 XIIIA

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.

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

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

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

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

1 (d) The juvenile's programming history, including, but not
2 limited to, the juvenile's past willingness to participate
3 meaningfully in available programming.

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

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

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

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

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

1 cause to believe the juvenile committed the offense, the case shall
2 be set for trial in the same manner as the trial of an adult in a
3 court of general criminal jurisdiction.

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

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

24 (8) Following a judgment of conviction, the court shall enter
25 a disposition or impose a sentence authorized under section
26 ~~18(1)(n)~~ **18(1)(M)** of this chapter.

27 (9) As used in this section, "specified juvenile violation"

1 means any of the following:

2 (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,
3 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,
4 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
5 750.349, 750.520b, 750.529, 750.529a, and 750.531.

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

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

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

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

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

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

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

1 juvenile agency.

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

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

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

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

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

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

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

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

27 (a) Warn the juvenile or the juvenile's parents, guardian, or

1 custodian and, except as provided in subsection (7), dismiss the
2 petition.

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

1 of this chapter.

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

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

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

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

1 (f) Provide the juvenile with medical, dental, surgical, or
2 other health care, in a local hospital if available, or elsewhere,
3 maintaining as much as possible a local physician-patient
4 relationship, and with clothing and other incidental items the
5 court determines are necessary.

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

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

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

18 (j) If the court finds that a juvenile has violated a
19 municipal ordinance or a state or federal law, order the juvenile
20 to pay a civil fine in the amount of the civil or penal fine
21 provided by the ordinance or law. Money collected from fines levied
22 under this subsection shall be distributed as provided in section
23 29 of this chapter.

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

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

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

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

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

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

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

1 (vi) If the court must commit the juvenile to a county juvenile
2 agency, the county juvenile agency is able to place the juvenile in
3 a juvenile boot camp program.

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

1 shall consider all of the following factors, giving greater weight
2 to the seriousness of the offense and the juvenile's prior record:

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

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

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

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

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

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

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

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

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

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

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

1 the parent or other person as provided in section 13 of this
2 chapter.

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

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

14 (7) If the court finds that a juvenile comes under section 30
15 of this chapter, the court shall order the juvenile or the
16 juvenile's parent to pay restitution as provided in sections 30 and
17 31 of this chapter and in sections 44 and 45 of the **WILLIAM VAN**
18 **REGENMORTER** crime victim's rights act, 1985 PA 87, MCL 780.794 and
19 780.795.

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

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

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

27 (9) If the court finds that the juvenile is in intentional

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

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

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

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

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

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

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

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

21 (14) If the court enters an order of disposition placing a
22 juvenile in a juvenile boot camp program, or committing a juvenile
23 to a county juvenile agency for placement in a juvenile boot camp
24 program, and the court receives from the ~~family independence agency~~
25 **DEPARTMENT OF HUMAN SERVICES** a report that the juvenile has failed
26 to perform satisfactorily in the program, that the juvenile does
27 not meet the program's requirements or is medically unable to

1 participate in the program for more than 25 days, that there is no
2 opening in a juvenile boot camp program, or that the county
3 juvenile agency is unable to place the juvenile in a juvenile boot
4 camp program, the court shall release the juvenile from placement
5 or commitment and enter an alternative order of disposition. A
6 juvenile shall not be placed in a juvenile boot camp under an order
7 of disposition more than once, except that a juvenile returned to
8 the court for a medical condition, because there was no opening in
9 a juvenile boot camp program, or because the county juvenile agency
10 was unable to place the juvenile in a juvenile boot camp program
11 may be placed again in the juvenile boot camp program after the
12 medical condition is corrected, an opening becomes available, or
13 the county juvenile agency is able to place the juvenile.

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

27 (16) The court shall not impose a sentence of imprisonment in

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

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

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

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

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

26 (a) Senate Bill No. 173.

27

1 (b) Senate Bill No. 174.

2

3 (c) Senate Bill No. 175.

4