

HYTA: REVOCATION OF TRAINEE STATUS FOR CERTAIN SUBSEQUENT CRIMES

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House Bill 5585

Sponsor: Rep. Kurt Heise

Committee: Criminal Justice

Complete to 11-11-14

A REVISED SUMMARY OF HOUSE BILL 5585 AS INTRODUCED 5-20-14

Under the Holmes Youthful Trainee Act (HYTA), a youth between 17 and 20 years of age who pleads guilty to certain eligible crimes may be assigned youthful trainee status and placed in prison, jail, or on probation for a period not to exceed three years. Youth charged with a felony for which the maximum punishment is life imprisonment, a major controlled substance offense, or a traffic offense are excluded from eligibility in the program. Upon successful completion of the program, there is no criminal record. However, a court may, at its discretion, terminate its consideration of an individual as a youthful trainee or, once assigned, revoke the status of a trainee at any time before the individual's final release from the program.

House Bill 5585 amends the Holmes Youthful Trainee Act, within the Code of Criminal Procedure, to require a court to terminate its consideration of the individual as a youthful trainee and, once having assigned the individual to the status of youthful trainee, revoke that status, if – during the period of consideration or assignment – the individual is convicted of any of the following:

- ❖ A felony for which the maximum penalty is imprisonment for life.
- ❖ A major controlled substance offense.
- ❖ A violation, attempted violation, or conspiracy to violate:
 - Felonious assault.
 - Assault with intent to do great bodily harm less than murder.
 - Rob and steal, unarmed.
 - Home invasion, 1st-3rd degrees.
 - Possession of firearm or distribution of ammunition by person convicted of felony.
 - Carrying a firearm or dangerous weapon with unlawful intent.
 - Carrying a concealed weapon.
 - Unlawful possession of a pistol.
 - Possession of firearm during commission of a felony.
 - Criminal sexual conduct in the 1st-4th degrees.
 - Carjacking.
 - Using force or violence during commission of a larceny.

- ❖ A violation, attempted violation, or conspiracy to violate the prohibition on assault with intent to commit criminal sexual conduct, with some exceptions.

MCL 762.12

FISCAL IMPACT:

Under the bill, there could be increased costs to the state and to local correctional systems. Costs would depend on the number of offenders who are convicted of crimes set forth in the bill, have their youthful trainee status revoked, and are sent to either prison or to county jail. The average cost of prison incarceration in a state facility is roughly \$35,600 per prisoner per year, a figure that includes various fixed administrative and operational costs. The costs of local incarceration in a county jail vary by jurisdiction.

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