

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4135

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 12 of chapter II (MCL 762.12), as amended by
1994 PA 286.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER II

Sec. 12. (1) ~~The~~ **SUBJECT TO SUBSECTION (2), THE** court of
record having jurisdiction over the criminal offense referred to in
section 11 of this chapter may, at any time, terminate its
consideration of the individual as a youthful trainee or, once
having assigned the individual to the status of a youthful trainee,
may at its discretion revoke that status any time before the
individual's final release.

(2) **IF THE COURT ASSIGNS AN INDIVIDUAL TO YOUTHFUL TRAINEE
STATUS, THE COURT SHALL REVOKE THAT STATUS IF THE INDIVIDUAL PLEADS**

1 GUILTY TO OR IS CONVICTED OF ANY OF THE FOLLOWING DURING THE PERIOD
2 OF ASSIGNMENT:

3 (A) A FELONY FOR WHICH THE MAXIMUM PENALTY IS IMPRISONMENT FOR
4 LIFE.

5 (B) A MAJOR CONTROLLED SUBSTANCE OFFENSE.

6 (C) A VIOLATION, ATTEMPTED VIOLATION, OR CONSPIRACY TO VIOLATE
7 SECTION 82, 84, 88, 110A, 224F, 226, 227, 227A, 227B, 520B, 520C,
8 520D, 520E, 529A, OR 530 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
9 MCL 750.82, 750.84, 750.88, 750.110A, 750.224F, 750.226, 750.227,
10 750.227A, 750.227B, 750.520B, 750.520C, 750.520D, 750.520E,
11 750.529A, AND 750.530, OTHER THAN SECTION 520D(1) (A) OR 520E(1) (A)
12 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520D AND 750.520E.

13 (D) A VIOLATION, ATTEMPTED VIOLATION, OR CONSPIRACY TO VIOLATE
14 SECTION 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520G,
15 WITH THE INTENT TO COMMIT A VIOLATION OF SECTION 520B, 520C, 520D,
16 OR 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B,
17 750.520C, 750.520D, AND 750.520E, OTHER THAN SECTION 520D(1) (A) OR
18 520E(1) (A) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520D
19 AND 750.520E.

20 (E) A FIREARM OFFENSE. AS USED IN THIS SUBDIVISION, "FIREARM
21 OFFENSE" MEANS A CRIME INVOLVING A FIREARM AS THAT TERM IS DEFINED
22 IN SECTION 1 OF 1927 PA 372, MCL 28.421, WHETHER OR NOT THE
23 POSSESSION, USE, TRANSPORTATION, OR CONCEALMENT OF A FIREARM IS AN
24 ELEMENT OF THE CRIME.

25 (3) If an individual who is required to be registered pursuant
26 ~~to~~ UNDER the sex offenders registration act, 1994 PA 295, MCL
27 28.721 TO 28.736, willfully violates that act, the court shall

1 revoke the individual's status as a youthful trainee. Upon
2 termination of consideration or revocation of status as a youthful
3 trainee, the court may enter an adjudication of guilt and proceed
4 as provided by law. If the status of youthful trainee is revoked,
5 an adjudication of guilt is entered, and a sentence is imposed, the
6 court in imposing sentence shall specifically grant credit against
7 the sentence for time served as a youthful trainee in an
8 institutional facility of the department of corrections or in a
9 county jail.

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.