

HOUSE BILL No. 4135

February 3, 2015, Introduced by Reps. Heise and Santana and referred to the Committee on Criminal Justice.

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:

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 IS

1 CONVICTED OF ANY OF THE FOLLOWING DURING THE PERIOD OF
2 CONSIDERATION OR 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 (3) If an individual who is required to be registered pursuant
21 ~~to~~ UNDER the sex offenders registration act, 1994 PA 295, MCL
22 28.721 TO 28.736, willfully violates that act, the court shall
23 revoke the individual's status as a youthful trainee. Upon
24 termination of consideration or revocation of status as a youthful
25 trainee, the court may enter an adjudication of guilt and proceed
26 as provided by law. If the status of youthful trainee is revoked,
27 an adjudication of guilt is entered, and a sentence is imposed, the

1 court in imposing sentence shall specifically grant credit against
2 the sentence for time served as a youthful trainee in an
3 institutional facility of the department of corrections or in a
4 county jail.

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