

# Legislative Analysis



## TRANSPORTATION OF JUVENILE TAKEN INTO CUSTODY

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4887 (proposed substitute H-1)**

**Sponsor: Rep. Mike Mueller**

**Committee: Judiciary**

**Complete to 9-27-21**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4887 would amend Chapter XIIA of the Probate Code, known as the juvenile code, to allow a juvenile taken into custody at the same time as an adult to be transported with the adult to the appropriate location under certain circumstances.

The code requires a juvenile who is taken into custody or detained to be separated from adults in custody. The requirement applies to a juvenile under the age of 17 and to a juvenile under 18 beginning October 1, 2021, when 2019 PA 102 takes effect. Specifically, the code prohibits a juvenile from being confined in any police station, prison, jail, lock-up, or reformatory *or transported* with, or compelled or permitted to associate or mingle with, criminal or dissolute persons. An exception is made for a juvenile who is at least 15 years old and who poses a safety threat to other juveniles. Those juveniles may be placed in a jail or other place of detention for adults, but only in a room or ward separate from adults and for not more than 30 days (unless a longer detention is necessary for the service of process).

The bill would allow a juvenile to be transported with an adult if all of the following apply:

- The juvenile is at least 16 years of age.
- The adult is 25 years old or younger.
- The juvenile and adult are taken into custody at the same time.
- The juvenile and adult are taken into custody for the same offense or both occupied the same vehicle at the time the offense was committed.
- The juvenile is taken directly to the appropriate location and then is separated from the adult at the earliest available time in accordance with the procedure described above.

The bill would take effect 90 days after being enacted.

MCL 712A.16

### FISCAL IMPACT:

House Bill 4887 would have no significant fiscal impact on the Department of Health and Human Services. Under the provisions of the bill, counties may see decreased costs in their county child care funds related to the transportation of juvenile offenders with adult offenders. The amount of any savings gained is indeterminate and would depend upon the number of juveniles no longer having to be transported separately from adult offenders.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.