***** ACT 541 OF 1978 THIS ACT DOES NOT APPLY AFTER MARCH 30, 1987: See 18.406 *****

CRIMINAL JUSTICE

Act 541 of 1978

AN ACT to create the commission on criminal justice, the committee on juvenile justice, and the office of criminal justice; to prescribe the respective powers and duties; and to authorize the appropriation of funds.

History: 1978, Act 541, Eff. Dec. 31, 1978 ;-- Am. 1984, Act 171, Imd. Eff. June 29, 1984

The People of the State of Michigan enact:

***** 18.401 THIS SECTION DOES NOT APPLY AFTER MARCH 30, 1987: See 18.406 *****

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18.401 Definitions.

Sec. 1.

As used in this act:

(a) "Application" means a formal request for the funding of an adult or juvenile justice project by a state or local entity or a combination of state and local entity, prepared pursuant to state or federal law.

(b) "Commission" means the state commission on criminal justice created in section 2.

(c) "Director" means the director of the office of criminal justice.

(d) "Office" means the office of criminal justice created in section 3.

(e) "Plan" means a comprehensive adult or juvenile justice plan developed under federal or state law requirements.

History: 1978, Act 541, Eff. Dec. 31, 1978

***** 18.402 THIS SECTION DOES NOT APPLY AFTER MARCH 30, 1987: See 18.406 *****

18.402 Commission on criminal justice; appointment, qualifications, and terms of members; cessation of membership; vacancy; removal; chairperson and vice-chairperson; frequency of meetings; conducting business at public meeting; notice; quorum; availability of writings to public; expenses; duties of commission; progress report; executive secretary; additional staff; commission as advisory body.

Sec. 2.

(1) Beginning October 1, 1984 the commission on criminal justice shall be within the department of management and budget. Commission budget development, procurement, and related functions shall be performed by the department of management and budget. The commission shall consist of 21 members. The 21 members of the commission shall consist of the following:

(a) Twelve persons appointed by the governor with the advice and consent of the senate as follows:

(i) Ten persons both governmental and nongovernmental who are representative of the state and local criminal justice community and the state and local criminal justice system including those involved in the enforcement of the criminal laws, the defense and advocacy of rights for accused and convicted individuals, the judiciary, community programs for convicted individuals, and educating the public on criminal justice issues.

(ii) Two persons who are representative of the general public and are not involved with criminal justice matters.

(b) Six persons to represent the legislative branch of state government, as follows:

(i) Two persons appointed by the senate majority leader, at least 1 of whom shall not be a legislator.

(ii) Two persons appointed by the speaker of the house of representatives, at least 1 of whom shall not be a legislator.

(iii) One person appointed by the senate minority leader.

(iv) One person appointed by the minority leader of the house of representatives.

(c) The attorney general of the state or his or her designee.

(d) The director of the department of state police or his or her designee.

(e) The director of the department of corrections or his or her designee.

(2) A member of the commission who is a public official or the designee of a public official shall cease to be a member of the commission if the person ceases to be a member, officer, or employee of the representative agency. A member of the commission appointed by the governor under subsection (1)(a)(i) who no longer represents the state or local criminal justice community or criminal justice system shall cease to be a member of the commission.

(3) The members of the commission appointed by the governor under subsection (1)(a) shall be appointed for terms of 3 years, except that of the members first appointed, 4 members shall serve for 1 year, 4 members shall serve for 2 years, and 4 members shall serve for 3 years, as designated by the governor. A vacancy caused by expiration of a term shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the balance of the unexpired term of the member to be succeeded in the same manner as the original appointment. The governor may remove a member for cause which shall be explained in writing to the commission.

(4) The governor shall designate a chairperson of the commission from any of its 21 members. The commission shall elect a member as vice-chairperson.

(5) The commission shall meet at least once every 3 months at the call of the chairperson and the business of the commission shall be conducted at a public meeting held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. A quorum shall consist of 11 members. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws. A member of the commission shall not receive per diem for attendance at a meeting but shall receive expenses as shall be established annually by the legislature.

(6) The commission shall recommend goals, priorities, and standards for the reduction of crime and the improvement of the administration of justice in the state; conduct studies, propose legislation, and adopt resolutions and policy statements; consult with the judicial coordinating committee; and develop and approve a plan for adult criminal justice that shall include an analysis of existing criminal justice data, an assessment of statewide sentencing and

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release practices, an assessment of the utilization and adequacy of existing jail and prison capacities, community corrections programs, and programs directed toward crime control, and an assessment of public attitudes and public education regarding criminal justice issues.

(7) The commission, within 3 months of the expiration of the state's fiscal year, shall report to the governor and the legislature on the progress being made in the implementation of the commission's policies and priorities.

(8) The commission shall appoint an executive secretary. The additional staff necessary to fulfill the functions of the commission under this act shall be provided by the office.

(9) The commission shall act as an advisory body to the executive branch of state government regarding adult criminal justice matters. The commission may be requested by the legislative and judicial branches of state government to provide advice to them regarding adult criminal justice matters.

History: 1978, Act 541, Eff. Dec. 31, 1978 ;-- Am. 1984, Act 171, Imd. Eff. June 29, 1984

***** 18.403 THIS SECTION DOES NOT APPLY AFTER MARCH 30, 1987: See 18.406 *****

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18.403 Office of criminal justice; creation; management functions; director; contractual agreements; duties of office.

Sec. 3.

(1) The office of criminal justice is created within the department of management and budget. Office budget development, procurement, and related management functions shall be performed by the department of management and budget. The director of the office shall be a classified employee under the state civil service system responsible to the director of the department of management and budget. The director shall be the official authorized to enter into a contractual agreement with a federal agency and state, local, and private parties pursuant to the omnibus crime control and safe streets act of 1968, 42 U.S.C. 3701 to 3796c, and the juvenile delinquency prevention act, 42 U.S.C. 3801 to 3891, and related federal laws.

(2) The office shall do all of the following:

(a) Prepare plans or applications, as required by federal or state law, based on an analysis of the state's adult and juvenile justice needs and problems in conformity with state and federal requirements.

(b) Encourage and assist state, local, and regional agencies in the development of plans or applications.

(c) Cooperate with the commission and the committee in providing technical assistance to state agencies, local units of government, or private agencies with regard to adult and juvenile justice.

(d) Apply for, contract for, receive, and expend an appropriation or grant from the state, a political subdivision of the state, the federal government, or any other source of public or private funds. The funds acquired by the office shall be expended as set forth in the appropriation or grant received.

(e) Request an audit by a federal, state, or local agency authorized to conduct a program or fiscal audit of the office or a contractor or subgrantee of the office.

(f) Enter into a contract with regional, local, and private agency officials for the performance of duties required by grants awarded under federal or state law.

(g) At the direction of the committee created in section 5, develop, propose, and implement policies, plans, applications, and programs for improving the coordination, administration, and effectiveness of the juvenile justice systems in the state.

(h) Act as an advisory body to the governor and the department of management and budget regarding criminal justice matters.

(i) Request and receive from an agency of the state, a political subdivision of the state, or a public authority the assistance, information, and data to enable the office to properly carry out its functions, duties, and powers.

History: 1978, Act 541, Eff. Dec. 31, 1978 ;-- Am. 1984, Act 171, Imd. Eff. June 29, 1984

18.404 Repealed. 1984, Act 171, Imd. Eff. June 29, 1984.

Compiler's Notes: The repealed section pertained to review of and comment on criminal justice plan.

***** 18.405 THIS SECTION DOES NOT APPLY AFTER MARCH 30, 1987: See 18.406 *****

18.405 Committee on juvenile justice; appointment, qualifications, and terms of members; chairperson; vacancy; quorum; duties of committee; conducting business at public meeting; notice; availability of writings to public.

Sec. 5.

(1) The governor shall appoint, with the advice and consent of the senate, a committee on juvenile justice consisting of 21 members. The members of the committee shall be appointed for terms of 3 years, except that of the members first appointed, 7 members shall serve for 1 year, 7 members shall serve for 2 years, and 7 members shall serve for 3 years, as designated by the governor. The governor shall designate a chairperson of the committee. Not more than 14 members shall be of the same gender. Not more than 11 members shall be from the same political party. A vacancy on the committee shall be filled in the same manner as the original appointment. A quorum shall consist of 11 members.

(2) Members of the committee on juvenile justice appointed pursuant to subsection (1) shall include representatives of all of the following:

(a) Local units of government.

(b) Law enforcement.

(c) Probate judges involved in juvenile justice matters.

(d) Public agencies concerned with the prevention and treatment of juvenile delinquency.

(e) Private organizations concerned with the prevention and treatment of juvenile delinquency.

(3) A majority of the committee members shall not be full-time employees of the federal, state, or local government. The chairperson of the committee shall not be a full-time employee of the federal, state, or local government. Not less than 4 of the members of the committee shall be less than 24 years of age at the time of being appointed to the committee. Not less than 3 members of the committee shall have been or shall be at the time of appointment under the jurisdiction of the juvenile justice system.

(4) The committee shall advise the office, the governor, and the legislature at least annually on matters relative to the juvenile justice system in this state. The committee shall establish goals, priorities, and standards for the juvenile justice system, conduct studies, adopt resolutions and policy statements, and approve plans regarding juvenile justice.

(5) The business of the committee shall be conducted at a public meeting held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time,

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place, and date of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. A writing prepared, owned, used, in the possession of, or retained by the committee in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1978, Act 541, Eff. Dec. 31, 1978 ;-- Am. 1984, Act 171, Imd. Eff. June 29, 1984

***** 18.406 THIS SECTION DOES NOT APPLY AFTER MARCH 30, 1987: See 18.406 *****

18.406 Act inapplicable after March 30, 1987.

Sec. 6.

This act shall not apply after March 30, 1987.

History: 1978, Act 541, Eff. Dec. 31, 1978 ;-- Am. 1982, Act 411, Eff. Dec. 31, 1982 ;-- Am. 1984, Act 171, Imd. Eff. June 29, 1984

***** 18.407 THIS SECTION DOES NOT APPLY AFTER MARCH 30, 1987: See 18.406 *****

18.407 Effective date.

Sec. 7.

This act shall not take effect until December 31, 1978.

History: 1978, Act 541, Eff. Dec. 31, 1978

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