

**SUBSTITUTE FOR
HOUSE BILL NO. 4744**

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 14, 15, 16, 18, and 18i of chapter XIIA (MCL
712A.14, 712A.15, 712A.16, 712A.18, and 712A.18i), section 14 as
amended by 2012 PA 163, section 15 as amended by 1998 PA 474,
section 16 as amended by 1998 PA 478, section 18 as amended by 2018
PA 58, and section 18i as added by 1996 PA 244.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XIIA

2

Sec. 14. (1) Any local police officer, sheriff or deputy

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sheriff, state police officer, county agent or probation officer of

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any court of record may, without the order of the court,

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immediately take into custody any child who is found violating any

1 law or ordinance, or for whom there is reasonable cause to believe
2 is violating or has violated a personal protection order issued
3 under section 2(h) of this chapter by the court under section 2950
4 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL
5 600.2950 and 600.2950a, or for whom there is reasonable cause to
6 believe is violating or has violated a valid foreign protection
7 order. If the officer or county agent takes a child coming within
8 the provisions of this chapter into custody, he or she shall
9 immediately attempt to notify the parent or parents, guardian, or
10 custodian. While awaiting the arrival of the parent or parents,
11 guardian, or custodian, a child under the age of ~~17~~**18** years taken
12 into custody under the provisions of this chapter shall not be held
13 in **A JAIL OR** any **OTHER** detention facility ~~unless the child is~~
14 ~~completely isolated so as to prevent any verbal, visual, or~~
15 ~~physical contact with any adult prisoner.~~ **FOR ADULTS BUT MAY BE**
16 **HELD IN A DETENTION FACILITY FOR JUVENILES.** Unless the child
17 requires immediate detention as provided for in this act, the
18 officer shall accept the written promise of the parent or parents,
19 guardian, or custodian, to bring the child to the court at a fixed
20 time. The child shall then be released to the custody of the parent
21 or parents, guardian, or custodian.

22 (2) If a child is not released under subsection (1), the child
23 and his or her **PARENT OR** parents, guardian, or custodian, if they
24 can be located, shall immediately be brought before the court for a
25 preliminary hearing on the status of the child, and an order signed
26 by a judge or a referee authorizing the filing of a complaint shall
27 be entered or the child shall be released to his or her parent or

1 parents, guardian, or custodian.

2 (3) If a complaint is authorized under subsection (2), the
3 order shall state where the child is to be placed, pending
4 investigation and hearing, which placement may be in any of the
5 following:

6 (a) In the home of the child's parent, guardian, or custodian.

7 (b) If a child is within the court's jurisdiction under
8 section 2(a) of this chapter, in a suitable foster care home
9 subject to the court's supervision. ~~Except as otherwise provided in~~
10 ~~subsections (4) and (5), if~~ **IF** a child is within the court's
11 jurisdiction under section 2(b) of this chapter, the court shall
12 not place a child in a foster care home subject to the court's
13 supervision.

14 (c) In a child care institution or child placing agency
15 licensed by the department ~~of human services~~ to receive for care
16 children within the jurisdiction of the court.

17 (d) In a suitable place of detention.

18 ~~—— (4) Except as otherwise provided in subsection (5), if a court~~
19 ~~is providing at the time of the enactment of this subsection foster~~
20 ~~care home services subject to the court's supervision to children~~
21 ~~within section 2(b) of this chapter, the court may continue to~~
22 ~~provide those services through December 31, 1989. Beginning January~~
23 ~~1, 1990, the court shall discontinue providing those services.~~

24 ~~—— (5) If a court located in a county with a population in excess~~
25 ~~of 650,000 is providing at the time of the enactment of this~~
26 ~~subsection foster care home services subject to the court's~~
27 ~~supervision to children within section 2(b) of this chapter, the~~

1 ~~court may continue to provide those services through December 31,~~
2 ~~1991. Beginning January 1, 1992, the court shall discontinue those~~
3 ~~services.~~

4 Sec. 15. (1) In the case of a child concerning whom a
5 complaint has been made or a petition has been filed ~~pursuant to~~
6 **UNDER** this chapter, the court may order the child, pending the
7 hearing, detained in a facility as the court ~~shall designate.~~
8 **DESIGNATES.** The court may release the child, pending the hearing,
9 in the custody of a parent, guardian, or custodian, to be brought
10 before the court at the time designated. As used in this
11 subsection, "petition" includes all of the following:

12 (a) Petition.

13 (b) Supplemental petition.

14 (c) Petition for revocation of probation.

15 (d) Supplemental petition alleging a violation of a personal
16 protection order.

17 (2) Custody, pending hearing, is limited to the following
18 children:

19 (a) Those whose home conditions make immediate removal
20 necessary.

21 (b) Those who have a record of unexcused failures to appear at
22 juvenile court proceedings.

23 (c) Those who have run away from home.

24 (d) Those who have failed to remain in a detention or
25 nonsecure facility or placement in violation of a court order.

26 (e) Those whose offenses are so serious that release would
27 endanger public safety.

1 (f) Those who have allegedly violated a personal protection
2 order and for whom it appears there is a substantial likelihood of
3 retaliation or continued violation.

4 (3) A child taken into custody ~~pursuant to~~ **ACCORDING** to section
5 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be
6 detained in any secure facility designed to physically restrict the
7 movements and activities of alleged or adjudicated juvenile
8 offenders unless the court finds that the child willfully violated
9 a court order and the court finds, after a hearing and on the
10 record, that there is not a less restrictive alternative more
11 appropriate to the needs of the child. ~~This subsection does not~~
12 ~~apply to a child who is under the jurisdiction of the court~~
13 ~~pursuant to section 2(a)(1) of this chapter or a child who is not~~
14 ~~less than 17 years of age and who is under the jurisdiction of the~~
15 ~~court pursuant to a supplemental petition under section 2(h) of~~
16 ~~this chapter.~~

17 (4) A child taken into custody ~~pursuant to~~ **UNDER** section 2(b)
18 of this chapter or subsection (2)(a) shall not be detained in any
19 secure facility designed to physically restrict the movements and
20 activities of alleged or adjudicated juvenile offenders or in a
21 cell or other secure area of any secure facility designed to
22 incarcerate adults.

23 (5) A child taken into custody ~~pursuant to~~ **UNDER** section
24 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be
25 detained in a cell or other secure area of any secure facility
26 designed to incarcerate adults unless ~~either of the following~~
27 ~~applies:~~

~~1 (a) A child is under the jurisdiction of the court pursuant to~~
~~2 section 2(a)(1) of this chapter for an offense which, if committed~~
~~3 by an adult, would be a felony.~~

~~4 (b) A **THE** child is not less than 17-18 years of age and is~~
~~5 under the jurisdiction of the court pursuant to **UNDER** a~~
~~6 supplemental petition under section 2(h) of this chapter.~~

7 Sec. 16. (1) If a juvenile under the age of 17-18 years is
8 taken into custody or detained, the juvenile shall not be confined
9 in any police station, prison, jail, lock-up, or reformatory or
10 transported with, or compelled or permitted to associate or mingle
11 with, criminal or dissolute persons. ~~However, except as otherwise~~
~~12 provided in section 15(3), (4), and (5) of this chapter, the court~~
~~13 may order a juvenile 15 years of age or older whose habits or~~
~~14 conduct are considered a menace to other juveniles, or who may not~~
~~15 otherwise be safely detained, placed in a jail or other place of~~
~~16 detention for adults, but in a room or ward separate from adults~~
~~17 and for not more than 30 days, unless longer detention is necessary~~
~~18 for the service of process.~~

19 (2) The county board of commissioners in each county or of
20 counties contracting together may provide for the diagnosis,
21 treatment, care, training, and detention of juveniles in a child
22 care home or facility conducted as an agency of the county if the
23 home or facility meets licensing standards established under 1973
24 PA 116, MCL 722.111 to 722.128. The court or a court-approved
25 agency may arrange for the boarding of juveniles in ~~any~~ **EITHER** of
26 the following:

27 (a) If a juvenile is within the court's jurisdiction under

1 section 2(a) of this chapter, a suitable foster care home subject
2 to the court's supervision. If a juvenile is within the court's
3 jurisdiction under section 2(b) of this chapter, the court shall
4 not place a juvenile in a foster care home subject to the court's
5 supervision.

6 (b) A child caring institution or child placing agency
7 licensed by the department ~~of consumer and industry services to~~
8 receive for care juveniles within the court's jurisdiction.

9 ~~—— (c) If in a room or ward separate and apart from adult~~
10 ~~criminals, the county jail for juveniles over 17 years of age~~
11 ~~within the court's jurisdiction.~~

12 (3) If a detention home or facility is established as an
13 agency of the county, the judge may appoint a superintendent and
14 other necessary employees for the home or facility who shall
15 receive compensation as provided by the county board of
16 commissioners of the county. This section does not alter or
17 diminish the legal responsibility of the ~~family independence agency~~
18 **DEPARTMENT** or a county juvenile agency to receive juveniles
19 committed by the court.

20 (4) If the court under subsection (2) arranges for the board
21 of juveniles temporarily detained in private homes or in a child
22 caring institution or child placing agency, a reasonable sum fixed
23 by the court for their board shall be paid by the county treasurer
24 as provided in section 25 of this chapter.

25 (5) A court shall not provide foster care home services
26 subject to the court's supervision to juveniles within section 2(b)
27 of this chapter.

1 (6) A juvenile detention home described in subsection (3)
2 shall be operated under the direction of the county board of
3 commissioners or, in a county that has an elected county executive,
4 under the county executive's direction. ~~However, a~~ **A** different
5 method for directing the operation of a detention home may be
6 agreed to in any county by the chief judge of the circuit court in
7 that county and the county board of commissioners or, in a county
8 that has an elected county executive, the county executive.

9 Sec. 18. (1) If the court finds that a juvenile concerning
10 whom a petition is filed is not within this chapter, the court
11 shall enter an order dismissing the petition. Except as otherwise
12 provided in subsection (10), if the court finds that a juvenile is
13 within this chapter, the court shall order the juvenile returned to
14 his or her parent if the return of the juvenile to his or her
15 parent would not cause a substantial risk of harm to the juvenile
16 or society. The court may also enter any of the following orders of
17 disposition that are appropriate for the welfare of the juvenile
18 and society in view of the facts proven and ascertained:

19 (a) Warn the juvenile or the juvenile's parents, guardian, or
20 custodian and, except as provided in subsection (7), dismiss the
21 petition.

22 (b) Place the juvenile on probation, or under supervision in
23 the juvenile's own home or in the home of an adult who is related
24 to the juvenile. As used in this subdivision, "related" means an
25 individual who is not less than 18 years of age and related to the
26 child by blood, marriage, or adoption, as grandparent, great-
27 grandparent, great-great-grandparent, aunt or uncle, great-aunt or

1 great-uncle, great-great-aunt or great-great-uncle, sibling,
2 stepsibling, nephew or niece, first cousin or first cousin once
3 removed, and the spouse of any of the above, even after the
4 marriage has ended by death or divorce. A child may be placed with
5 the parent of a man whom the court has found probable cause to
6 believe is the putative father if there is no man with legally
7 established rights to the child. This placement of the child with
8 the parent of a man whom the court has found probable cause to
9 believe is the putative father is for the ~~purposes~~**PURPOSE** of
10 placement only, ~~and is not to be construed as a finding of~~
11 ~~paternity, or to~~**AND DOES NOT** confer legal standing. The court
12 shall order the terms and conditions of probation or supervision,
13 including reasonable rules for the conduct of the parents,
14 guardian, or custodian, if any, as the court determines necessary
15 for the physical, mental, or moral well-being and behavior of the
16 juvenile. The court may order that the juvenile participate in a
17 juvenile drug treatment court under chapter 10A of the revised
18 judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088. The
19 court also shall order, as a condition of probation or supervision,
20 that the juvenile shall pay the minimum state cost prescribed by
21 section 18m of this chapter.

22 (c) If a juvenile is within the court's jurisdiction under
23 section 2(a) of this chapter, or under section 2(h) of this chapter
24 for a supplemental petition, place the juvenile in a suitable
25 foster care home subject to the court's supervision. If a juvenile
26 is within the court's jurisdiction under section 2(b) of this
27 chapter, the court shall not place a juvenile in a foster care home

1 subject to the court's supervision.

2 (d) Except as otherwise provided in this subdivision, place
3 the juvenile in or commit the juvenile to a private institution or
4 agency approved or licensed by the department's division of child
5 welfare licensing for the care of juveniles of similar age, sex,
6 and characteristics. If the juvenile is not a ward of the court,
7 the court shall commit the juvenile to the department or, if the
8 county is a county juvenile agency, to that county juvenile agency
9 for placement in or commitment to an institution or agency as the
10 department or county juvenile agency determines is most
11 appropriate, subject to any initial level of placement the court
12 designates.

13 (e) Except as otherwise provided in this subdivision, commit
14 the juvenile to a public institution, county facility, institution
15 operated as an agency of the court or county, or agency authorized
16 by law to receive juveniles of similar age, sex, and
17 characteristics. If the juvenile is not a ward of the court, the
18 court shall commit the juvenile to the department or, if the county
19 is a county juvenile agency, to that county juvenile agency for
20 placement in or commitment to an institution or facility as the
21 department or county juvenile agency determines is most
22 appropriate, subject to any initial level of placement the court
23 designates. ~~If a child is not less than 17 years of age and is in~~
24 ~~violation of a personal protection order, the court may commit the~~
25 ~~child to a county jail within the adult prisoner population. In a~~
26 placement under subdivision (d) or a commitment under this
27 subdivision, except to a state institution or a county juvenile

1 agency institution, the juvenile's religious affiliation shall be
2 protected by placement or commitment to a private ~~child-placing~~
3 **CHILD PLACING** or ~~child-caring~~ **CHILD CARING** agency or institution,
4 if available. Except for commitment to the department or a county
5 juvenile agency, an order of commitment under this subdivision to a
6 state institution or agency described in the youth rehabilitation
7 services act, 1974 PA 150, MCL 803.301 to 803.309, or in 1935 PA
8 220, MCL 400.201 to 400.214, the court shall name the
9 superintendent of the institution to which the juvenile is
10 committed as a special guardian to receive benefits due the
11 juvenile from the government of the United States. An order of
12 commitment under this subdivision to the department or a county
13 juvenile agency shall name that agency as a special guardian to
14 receive those benefits. The benefits received by the special
15 guardian shall be used to the extent necessary to pay for the
16 portions of the cost of care in the institution or facility that
17 the parent or parents are found unable to pay.

18 (f) Provide the juvenile with medical, dental, surgical, or
19 other health care, in a local hospital if available, or elsewhere,
20 maintaining as much as possible a local physician-patient
21 relationship, and with clothing and other incidental items the
22 court determines are necessary.

23 (g) Order the parents, guardian, custodian, or any other
24 person to refrain from continuing conduct that the court determines
25 has caused or tended to cause the juvenile to come within or to
26 remain under this chapter or that obstructs placement or commitment
27 of the juvenile by an order under this section.

1 (h) Appoint a guardian under section 5204 of the estates and
2 protected individuals code, 1998 PA 386, MCL 700.5204, in response
3 to a petition filed with the court by a person interested in the
4 juvenile's welfare. If the court appoints a guardian as authorized
5 by this subdivision, it may dismiss the petition under this
6 chapter.

7 (i) Order the juvenile to engage in community service.

8 (j) If the court finds that a juvenile has violated a
9 municipal ordinance or a state or federal law, order the juvenile
10 to pay a civil fine in the amount of the civil or penal fine
11 provided by the ordinance or law. Money collected from fines levied
12 under this subsection shall be distributed as provided in section
13 29 of this chapter.

14 (k) If a juvenile is within the court's jurisdiction under
15 section 2(a)(1) of this chapter, order the juvenile's parent or
16 guardian to personally participate in treatment reasonably
17 available in the parent's or guardian's location.

18 (l) If a juvenile is within the court's jurisdiction under
19 section 2(a)(1) of this chapter, place the juvenile in and order
20 the juvenile to complete satisfactorily a program of training in a
21 juvenile boot camp established by the department under the juvenile
22 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided
23 in that act. If the county is a county juvenile agency, the court
24 shall commit the juvenile to that county juvenile agency for
25 placement in the program under that act. Upon receiving a report of
26 satisfactory completion of the program from the department, the
27 court shall authorize the juvenile's release from placement in the

1 juvenile boot camp. Following satisfactory completion of the
2 juvenile boot camp program, the juvenile shall complete an
3 additional period of not less than 120 days or more than 180 days
4 of intensive supervised community reintegration in the juvenile's
5 local community. To place or commit a juvenile under this
6 subdivision, the court shall determine all of the following:

7 (i) Placement in a juvenile boot camp will benefit the
8 juvenile.

9 (ii) The juvenile is physically able to participate in the
10 program.

11 (iii) The juvenile does not appear to have any mental handicap
12 that would prevent participation in the program.

13 (iv) The juvenile will not be a danger to other juveniles in
14 the boot camp.

15 (v) There is an opening in a juvenile boot camp program.

16 (vi) If the court must commit the juvenile to a county
17 juvenile agency, the county juvenile agency is able to place the
18 juvenile in a juvenile boot camp program.

19 (m) If the court entered a judgment of conviction under
20 section 2d of this chapter, enter any disposition under this
21 section or, if the court determines that the best interests of the
22 public would be served, impose any sentence upon the juvenile that
23 could be imposed upon an adult convicted of the offense for which
24 the juvenile was convicted, **EXCEPT THAT A JUVENILE SHALL NOT BE**
25 **CONFINED IN A JAIL OR PRISON UNTIL THE JUVENILE IS 18 YEARS OF AGE.**
26 If the juvenile is convicted of a violation or conspiracy to commit
27 a violation of section 7403(2) (a) (i) of the public health code,

1 1978 PA 368, MCL 333.7403, the court may impose the alternative
2 sentence permitted under that section if the court determines that
3 the best interests of the public would be served. The court may
4 delay imposing a sentence of imprisonment under this subdivision
5 for a period not longer than the period during which the court has
6 jurisdiction over the juvenile under this chapter by entering an
7 order of disposition delaying imposition of sentence and placing
8 the juvenile on probation upon the terms and conditions it
9 considers appropriate, including any disposition under this
10 section. If the court delays imposing sentence under this section,
11 section 18i of this chapter applies. If the court imposes sentence,
12 it shall enter a judgment of sentence. If the court imposes a
13 sentence of imprisonment, the juvenile shall receive credit against
14 the sentence for time served before sentencing. In determining
15 whether to enter an order of disposition or impose a sentence under
16 this subdivision, the court shall consider all of the following
17 factors, giving greater weight to the seriousness of the offense
18 and the juvenile's prior record:

19 (i) The seriousness of the offense in terms of community
20 protection, including, but not limited to, the existence of any
21 aggravating factors recognized by the sentencing guidelines, the
22 use of a firearm or other dangerous weapon, and the impact on any
23 victim.

24 (ii) The juvenile's culpability in committing the offense,
25 including, but not limited to, the level of the juvenile's
26 participation in planning and carrying out the offense and the
27 existence of any aggravating or mitigating factors recognized by

1 the sentencing guidelines.

2 (iii) The juvenile's prior record of delinquency including,
3 but not limited to, any record of detention, any police record, any
4 school record, or any other evidence indicating prior delinquent
5 behavior.

6 (iv) The juvenile's programming history, including, but not
7 limited to, the juvenile's past willingness to participate
8 meaningfully in available programming.

9 (v) The adequacy of the punishment or programming available in
10 the juvenile justice system.

11 (vi) The dispositional options available for the juvenile.

12 (n) In a proceeding under section 2(b) or (c) of this chapter,
13 if a juvenile is removed from the parent's custody at any time, the
14 court shall permit the juvenile's parent to have regular and
15 frequent parenting time with the juvenile. Parenting time between
16 the juvenile and his or her parent shall not be less than 1 time
17 every 7 days unless the court determines either that exigent
18 circumstances require less frequent parenting time or that
19 parenting time, even if supervised, may be harmful to the
20 juvenile's life, physical health, or mental well-being. If the
21 court determines that parenting time, even if supervised, may be
22 harmful to the juvenile's life, physical health, or mental well-
23 being, the court may suspend parenting time until the risk of harm
24 no longer exists. The court may order the juvenile to have a
25 psychological evaluation or counseling, or both, to determine the
26 appropriateness and the conditions of parenting time.

27 (2) An order of disposition placing a juvenile in or

1 committing a juvenile to care outside of the juvenile's own home
2 and under state, county juvenile agency, or court supervision shall
3 contain a provision for reimbursement by the juvenile, parent,
4 guardian, or custodian to the court for the cost of care or
5 service. The order shall be reasonable, taking into account both
6 the income and resources of the juvenile, parent, guardian, or
7 custodian. The amount may be based upon the guidelines and model
8 schedule created under subsection (6). If the juvenile is receiving
9 an adoption assistance under sections 115f to 115m or 115t of the
10 social welfare act, 1939 PA 280, MCL 400.115f to 400.115m and
11 400.115t, the amount shall not exceed the amount of the support
12 subsidy. The reimbursement provision applies during the entire
13 period the juvenile remains in care outside of the juvenile's own
14 home and under state, county juvenile agency, or court supervision,
15 unless the juvenile is in the permanent custody of the court. The
16 court shall provide for the collection of all amounts ordered to be
17 reimbursed and the money collected shall be accounted for and
18 reported to the county board of commissioners. Collections to cover
19 delinquent accounts or to pay the balance due on reimbursement
20 orders may be made after a juvenile is released or discharged from
21 care outside the juvenile's own home and under state, county
22 juvenile agency, or court supervision. Twenty-five percent of all
23 amounts collected under an order entered under this subsection
24 shall be credited to the appropriate fund of the county to offset
25 the administrative cost of collections. The balance of all amounts
26 collected under an order entered under this subsection shall be
27 divided in the same ratio in which the county, state, and federal

1 government participate in the cost of care outside the juvenile's
2 own home and under state, county juvenile agency, or court
3 supervision. The court may also collect from the government of the
4 United States benefits paid for the cost of care of a court ward.
5 Money collected for juveniles placed by the court with or committed
6 to the department or a county juvenile agency shall be accounted
7 for and reported on an individual juvenile basis. In cases of
8 delinquent accounts, the court may also enter an order to intercept
9 state or federal tax refunds of a juvenile, parent, guardian, or
10 custodian and initiate the necessary offset proceedings in order to
11 recover the cost of care or service. The court shall send to the
12 person who is the subject of the intercept order advance written
13 notice of the proposed offset. The notice shall include notice of
14 the opportunity to contest the offset on the grounds that the
15 intercept is not proper because of a mistake of fact concerning the
16 amount of the delinquency or the identity of the person subject to
17 the order. The court shall provide for the prompt reimbursement of
18 an amount withheld in error or an amount found to exceed the
19 delinquent amount.

20 (3) An order of disposition placing a juvenile in the
21 juvenile's own home under subsection (1)(b) may contain a provision
22 for reimbursement by the juvenile, parent, guardian, or custodian
23 to the court for the cost of service. If an order is entered under
24 this subsection, an amount due shall be determined and treated in
25 the same manner provided for an order entered under subsection (2).

26 (4) An order directed to a parent or a person other than the
27 juvenile is not effective and binding on the parent or other person

1 unless opportunity for hearing is given by issuance of summons or
2 notice as provided in sections 12 and 13 of this chapter and until
3 a copy of the order, bearing the seal of the court, is served on
4 the parent or other person as provided in section 13 of this
5 chapter.

6 (5) If the court appoints an attorney to represent a juvenile,
7 parent, guardian, or custodian, the court may require in an order
8 entered under this section that the juvenile, parent, guardian, or
9 custodian reimburse the court for attorney fees.

10 (6) The office of the state court administrator, under the
11 supervision and direction of the supreme court, shall create
12 guidelines that the court may use in determining the ability of the
13 juvenile, parent, guardian, or custodian to pay for care and any
14 costs of service ordered under subsection (2) or (3). The
15 guidelines shall take into account both the income and resources of
16 the juvenile, parent, guardian, or custodian.

17 (7) If the court finds that a juvenile comes under section 30
18 of this chapter, the court shall order the juvenile or the
19 juvenile's parent to pay restitution as provided in sections 30 and
20 31 of this chapter and in sections 44 and 45 of the William Van
21 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
22 780.795.

23 (8) If the court imposes restitution as a condition of
24 probation, the court shall require the juvenile to do either of the
25 following as an additional condition of probation:

26 (a) Engage in community service or, with the victim's consent,
27 perform services for the victim.

1 (b) Seek and maintain paid employment and pay restitution to
2 the victim from the earnings of that employment.

3 (9) If the court finds that the juvenile is in intentional
4 default of the payment of restitution, a court may, as provided in
5 section 31 of this chapter, revoke or alter the terms and
6 conditions of probation for nonpayment of restitution. If a
7 juvenile who is ordered to engage in community service
8 intentionally refuses to perform the required community service,
9 the court may revoke or alter the terms and conditions of
10 probation.

11 (10) The court shall not enter an order of disposition for a
12 juvenile offense as defined in section 1a of 1925 PA 289, MCL
13 28.241a, or a judgment of sentence for a conviction until the court
14 has examined the court file and has determined that the juvenile's
15 biometric data have been collected and forwarded as required by
16 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's
17 fingerprints have been taken and forwarded as required by the sex
18 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736. If a
19 juvenile's biometric data have not been collected or a juvenile has
20 not had his or her fingerprints taken, the court shall do either of
21 the following:

22 (a) Order the juvenile to submit himself or herself to the
23 police agency that arrested or obtained the warrant for the
24 juvenile's arrest so the juvenile's biometric data can be collected
25 and forwarded and his or her fingerprints can be taken and
26 forwarded.

27 (b) Order the juvenile committed to the sheriff's custody for

1 collecting and forwarding the juvenile's biometric data and taking
2 and forwarding the juvenile's fingerprints.

3 (11) Upon final disposition, conviction, acquittal, or
4 dismissal of an offense within the court's jurisdiction under
5 section 2(a)(1) of this chapter, using forms approved by the state
6 court administrator, the clerk of the court entering the final
7 disposition, conviction, acquittal, or dismissal shall immediately
8 advise the department of state police of that final disposition,
9 conviction, acquittal, or dismissal as required by section 3 of
10 1925 PA 289, MCL 28.243. The report to the department of state
11 police shall include information as to the finding of the judge or
12 jury and a summary of the disposition or sentence imposed.

13 (12) If the court enters an order of disposition based on an
14 act that is a juvenile offense as defined in section 1 of 1989 PA
15 196, MCL 780.901, the court shall order the juvenile to pay the
16 assessment as provided in that act. If the court enters a judgment
17 of conviction under section 2d of this chapter for an offense that
18 is a felony, misdemeanor, or ordinance violation, the court shall
19 order the juvenile to pay the assessment as provided in that act.

20 (13) If the court has entered an order of disposition or a
21 judgment of conviction for a listed offense as defined in section 2
22 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
23 court, the department, or the county juvenile agency shall register
24 the juvenile or accept the juvenile's registration as provided in
25 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
26 28.736.

27 (14) If the court enters an order of disposition placing a

1 juvenile in a juvenile boot camp program, or committing a juvenile
2 to a county juvenile agency for placement in a juvenile boot camp
3 program, and the court receives from the department a report that
4 the juvenile has failed to perform satisfactorily in the program,
5 that the juvenile does not meet the program's requirements or is
6 medically unable to participate in the program for more than 25
7 days, that there is no opening in a juvenile boot camp program, or
8 that the county juvenile agency is unable to place the juvenile in
9 a juvenile boot camp program, the court shall release the juvenile
10 from placement or commitment and enter an alternative order of
11 disposition. A juvenile shall not be placed in a juvenile boot camp
12 under an order of disposition more than once, except that a
13 juvenile returned to the court for a medical condition, because
14 there was no opening in a juvenile boot camp program, or because
15 the county juvenile agency was unable to place the juvenile in a
16 juvenile boot camp program may be placed again in the juvenile boot
17 camp program after the medical condition is corrected, an opening
18 becomes available, or the county juvenile agency is able to place
19 the juvenile.

20 (15) If the juvenile is within the court's jurisdiction under
21 section 2(a)(1) of this chapter for an offense other than a listed
22 offense as defined in section 2 of the sex offenders registration
23 act, 1994 PA 295, MCL 28.722, the court shall determine if the
24 offense is a violation of a law of this state or a local ordinance
25 of a municipality of this state that by its nature constitutes a
26 sexual offense against an individual who is less than 18 years of
27 age. If so, the order of disposition is for a listed offense as

1 defined in section 2 of the sex offenders registration act, 1994 PA
2 295, MCL 28.722, and the court shall include the basis for that
3 determination on the record and include the determination in the
4 order of disposition.

5 (16) The court shall not impose a sentence of imprisonment in
6 the county jail under subsection (1)(m) unless the present county
7 jail facility for the juvenile's imprisonment would meet all
8 requirements under federal law and regulations for housing
9 juveniles. The court shall not impose the sentence until it
10 consults with the sheriff to determine when the sentence will begin
11 to ensure that space will be available for the juvenile.

12 (17) In a proceeding under section 2(h) of this chapter, this
13 section only applies to a disposition for a violation of a personal
14 protection order and subsequent proceedings.

15 (18) If a juvenile is within the court's jurisdiction under
16 section 2(a)(1) of this chapter, the court shall order the juvenile
17 to pay costs as provided in section 18m of this chapter.

18 (19) A juvenile who has been ordered to pay the minimum state
19 cost as provided in section 18m of this chapter as a condition of
20 probation or supervision and who is not in willful default of the
21 payment of the minimum state cost may petition the court at any
22 time for a remission of the payment of any unpaid portion of the
23 minimum state cost. If the court determines that payment of the
24 amount due will impose a manifest hardship on the juvenile or his
25 or her immediate family, the court may remit all or part of the
26 amount of the minimum state cost due or modify the method of
27 payment.

1 Sec. 18i. (1) A delay in sentencing does not deprive the court
2 of jurisdiction to sentence the juvenile under section 18(1)(n) of
3 this chapter any time during the delay.

4 (2) If the court has entered an order of disposition under
5 section 18(1)(n) of this chapter delaying imposition of sentence,
6 the court shall conduct an annual review of the probation,
7 including but not limited to the services being provided to the
8 juvenile, the juvenile's placement, and the juvenile's progress in
9 that placement. In conducting this review, the court shall examine
10 any annual report prepared under section 3 of the juvenile
11 facilities act, ~~Act No. 73 of the Public Acts of 1988, being~~
12 ~~section 803.223 of the Michigan Compiled Laws, 1988 PA 73, MCL~~
13 **803.223**, and any report prepared upon the court's order by the
14 officer or agency supervising probation. The court may order
15 changes in the juvenile's probation based on the review including
16 but not limited to imposition of sentence.

17 (3) If the court entered an order of disposition under section
18 18(1)(n) of this chapter delaying imposition of sentence, the court
19 shall conduct a review hearing to determine whether the juvenile
20 has been rehabilitated and whether the juvenile presents a serious
21 risk to public safety. If the court determines that the juvenile
22 has not been rehabilitated or that the juvenile presents a serious
23 risk to public safety, jurisdiction over the juvenile shall be
24 continued or the court may impose sentence. In making this
25 determination, the court shall consider the following:

26 (a) The extent and nature of the juvenile's participation in
27 education, counseling, or work programs.

1 (b) The juvenile's willingness to accept responsibility for
2 prior behavior.

3 (c) The juvenile's behavior in his or her current placement.

4 (d) The prior record and character of the juvenile and his or
5 her physical and mental maturity.

6 (e) The juvenile's potential for violent conduct as
7 demonstrated by prior behavior.

8 (f) The recommendations of any institution or agency charged
9 with the juvenile's care for the juvenile's release or continued
10 custody.

11 (g) Other information the prosecuting attorney or juvenile may
12 submit.

13 (4) A review hearing shall be scheduled and held unless
14 adjourned for good cause as near as possible to, but before, the
15 juvenile's nineteenth birthday. If an institution or agency to
16 which the juvenile was committed believes that the juvenile has
17 been rehabilitated and that the juvenile does not present a serious
18 risk to public safety, the institution or agency may petition the
19 court to conduct a review hearing any time before the juvenile
20 becomes 19 years of age or, if the court has continued
21 jurisdiction, any time before the juvenile becomes 21 years of age.

22 (5) Not less than 14 days before a review hearing is to be
23 conducted, the prosecuting attorney, juvenile, and, if addresses
24 are known, the juvenile's parent or guardian shall be notified. The
25 notice shall state that the court may extend jurisdiction over the
26 juvenile or impose sentence and shall advise the juvenile and the
27 juvenile's parent or guardian of the right to legal counsel. If

1 legal counsel has not been retained or appointed to represent the
2 juvenile, the court shall appoint legal counsel and may assess the
3 cost of providing counsel as costs against the juvenile or those
4 responsible for the juvenile's support, or both, if the persons to
5 be assessed are financially able to comply.

6 (6) A commitment report prepared as provided in section 5 of
7 the juvenile facilities act, ~~Act No. 73 of the Public Acts of 1988,~~
8 ~~being section 803.225 of the Michigan Compiled Laws, 1988 PA 73,~~
9 **MCL 803.225**, and any report prepared upon the court's order by the
10 officer or agency supervising probation may be used by the court at
11 a review hearing held under this section.

12 (7) The court shall conduct a final review of the juvenile's
13 probation not less than 3 months before the end of the probation
14 period. If the court determines at this review that the best
15 interests of the public would be served by imposing any other
16 sentence provided by law for an adult offender, the court may
17 impose the sentence. In making its determination, the court shall
18 consider the criteria specified in subsection (3) and all of the
19 following criteria:

20 (a) The effect of treatment on the juvenile's rehabilitation.

21 (b) Whether the juvenile is likely to be dangerous to the
22 public if released.

23 (c) The best interests of the public welfare and the
24 protection of public security.

25 (8) Not less than 14 days before a final review hearing under
26 subsection (7) is to be conducted, the prosecuting attorney,
27 juvenile, and, if addresses are known, the juvenile's parent or

1 guardian shall be notified. The notice shall state that the court
2 may impose a sentence upon the juvenile and shall advise the
3 juvenile and the juvenile's parent or guardian of the right to
4 legal counsel. If legal counsel has not been retained or appointed
5 to represent the juvenile, the court shall appoint legal counsel
6 and may assess the cost of providing counsel as costs against the
7 juvenile or those responsible for the juvenile's support, or both,
8 if the persons to be assessed are financially able to comply.

9 (9) If a juvenile placed on probation under an order of
10 disposition delaying imposition of sentence is found by the court
11 to have violated probation by being convicted of a felony or a
12 misdemeanor punishable by imprisonment for more than 1 year, or
13 adjudicated as responsible for an offense that if committed by an
14 adult would be a felony or a misdemeanor punishable by imprisonment
15 for more than 1 year, the court shall revoke probation and sentence
16 the juvenile to imprisonment for a term that does not exceed the
17 penalty that could have been imposed for the offense for which the
18 juvenile was originally convicted and placed on probation.

19 (10) If a juvenile placed on probation under an order of
20 disposition delaying imposition of sentence is found by the court
21 to have violated probation other than as provided in subsection
22 (9), the court may impose sentence or may order any of the
23 following for the juvenile:

- 24 (a) A change of placement.
- 25 (b) Community service.
- 26 (c) Substance ~~abuse~~ **USE DISORDER** counseling.
- 27 (d) Mental health counseling.

1 (e) Participation in a vocational-technical education program.

2 ~~—— (f) Incarceration in a county jail for not more than 30 days~~
3 ~~as provided in this chapter. If a juvenile is under 17 years of~~
4 ~~age, the juvenile shall be placed in a room or ward out of sight~~
5 ~~and sound from adult prisoners.~~

6 (F) ~~(g)~~ Other participation or performance as the court
7 considers necessary.

8 (11) If a sentence of imprisonment is imposed under this
9 section, the juvenile shall receive credit for the period of time
10 served on probation.

11 Enacting section 1. This amendatory act takes effect January
12 1, 2021.

13 Enacting section 2. This amendatory act does not take effect
14 unless all of the following bills of the 99th Legislature are
15 enacted into law:

16 (a) House Bill No. 4969.

17 (b) House Bill No. 5637.