

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.

CHAPTER XIIIA

Sec. 14. (1) Any local police officer, sheriff or deputy sheriff, state police officer, county agent or probation officer of any court of record may, without the order of the court, 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~~**an** adult prisoner. Unless the child
16 requires immediate detention as provided for in this act, the
17 officer shall accept the written promise of the parent or parents,
18 guardian, or custodian, to bring the child to the court at a fixed
19 time. The child shall then be released to the custody of the parent
20 or parents, guardian, or custodian.

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

28 (3) If a complaint is authorized under subsection (2), the
29 order shall state where the child is to be placed, pending



1 investigation and hearing, which placement may be in any of the
2 following:

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

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

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

14 (d) In a suitable place of detention.

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

21 ~~(5) If a court located in a county with a population in excess~~
22 ~~of 650,000 is providing at the time of the enactment of this~~
23 ~~subsection foster care home services subject to the court's~~
24 ~~supervision to children within section 2(b) of this chapter, the~~
25 ~~court may continue to provide those services through December 31,~~
26 ~~1991. Beginning January 1, 1992, the court shall discontinue those~~
27 ~~services.~~

28 Sec. 15. (1) In the case of a child concerning whom a
29 complaint has been made or a petition has been filed ~~pursuant to~~



under this chapter, the court may order the child, pending the hearing, detained in a facility as the court ~~shall designate.~~
designates. The court may release the child, pending the hearing, in the custody of a parent, guardian, or custodian, to be brought before the court at the time designated. As used in this subsection, "petition" includes all of the following:

(a) Petition.

(b) Supplemental petition.

(c) Petition for revocation of probation.

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

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

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

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

(c) Those who have run away from home.

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

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

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

(3) A child taken into custody ~~pursuant to~~ **under** section 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be detained in any secure facility designed to physically restrict the movements and activities of alleged or adjudicated juvenile



1 offenders unless the court finds that the child willfully violated
2 a court order and the court finds, after a hearing and on the
3 record, that there is not a less restrictive alternative more
4 appropriate to the needs of the child. This subsection does not
5 apply to a child who is under the jurisdiction of the court
6 ~~pursuant to~~**under** section 2(a)(1) of this chapter or a child who is
7 not less than ~~17-18~~ years of age and who is under the jurisdiction
8 of the court ~~pursuant to~~**under** a supplemental petition under
9 section 2(h) of this chapter.

10 (4) A child taken into custody ~~pursuant to~~**under** section 2(b)
11 of this chapter or subsection (2)(a) shall not be detained in any
12 secure facility designed to physically restrict the movements and
13 activities of alleged or adjudicated juvenile offenders or in a
14 cell or other secure area of any secure facility designed to
15 incarcerate adults.

16 (5) A child taken into custody ~~pursuant to~~**under** section
17 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be
18 detained in a cell or other secure area of any secure facility
19 designed to incarcerate adults unless either of the following
20 applies:

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

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

27 Sec. 16. (1) If a juvenile under the age of ~~17-18~~ years is
28 taken into custody or detained, the juvenile shall not be confined
29 in any police station, prison, jail, lock-up, or reformatory or



1 transported with, or compelled or permitted to associate or mingle
2 with, criminal or dissolute persons. ~~However, except~~ **Except** as
3 otherwise provided in section 15(3), (4), and (5) of this chapter,
4 the court may order a juvenile 15 years of age or older whose
5 habits or conduct are considered a menace to other juveniles, or
6 who may not otherwise be safely detained, placed in a jail or other
7 place of detention for adults, but in a room or ward separate from
8 adults and for not more than 30 days, unless longer detention is
9 necessary for the service of process.

10 (2) The county board of commissioners in each county or of
11 counties contracting together may provide for the diagnosis,
12 treatment, care, training, and detention of juveniles in a child
13 care home or facility conducted as an agency of the county if the
14 home or facility meets licensing standards established under 1973
15 PA 116, MCL 722.111 to 722.128. The court or a court-approved
16 agency may arrange for the boarding of juveniles in any of the
17 following:

18 (a) If a juvenile is within the court's jurisdiction under
19 section 2(a) of this chapter, a suitable foster care home subject
20 to the court's supervision. If a juvenile is within the court's
21 jurisdiction under section 2(b) of this chapter, the court shall
22 not place a juvenile in a foster care home subject to the court's
23 supervision.

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

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



1 (3) If a detention home or facility is established as an
2 agency of the county, the judge may appoint a superintendent and
3 other necessary employees for the home or facility who shall
4 receive compensation as provided by the county board of
5 commissioners of the county. This section does not alter or
6 diminish the legal responsibility of the ~~family independence agency~~
7 **department** or a county juvenile agency to receive juveniles
8 committed by the court.

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

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

17 (6) A juvenile detention home described in subsection (3)
18 shall be operated under the direction of the county board of
19 commissioners or, in a county that has an elected county executive,
20 under the county executive's direction. ~~However, a~~ **A** different
21 method for directing the operation of a detention home may be
22 agreed to in any county by the chief judge of the circuit court in
23 that county and the county board of commissioners or, in a county
24 that has an elected county executive, the county executive.

25 Sec. 18. (1) If the court finds that a juvenile concerning
26 whom a petition is filed is not within this chapter, the court
27 shall enter an order dismissing the petition. Except as otherwise
28 provided in subsection (10), if the court finds that a juvenile is
29 within this chapter, the court shall order the juvenile returned to



1 his or her parent if the return of the juvenile to his or her
2 parent would not cause a substantial risk of harm to the juvenile
3 or society. The court may also enter any of the following orders of
4 disposition that are appropriate for the welfare of the juvenile
5 and society in view of the facts proven and ascertained:

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

9 (b) Place the juvenile on probation, or under supervision in
10 the juvenile's own home or in the home of an adult who is related
11 to the juvenile. As used in this subdivision, "related" means an
12 individual who is not less than 18 years of age and related to the
13 child by blood, marriage, or adoption, as grandparent, great-
14 grandparent, great-great-grandparent, aunt or uncle, great-aunt or
15 great-uncle, great-great-aunt or great-great-uncle, sibling,
16 stepsibling, nephew or niece, first cousin or first cousin once
17 removed, and the spouse of any of the above, even after the
18 marriage has ended by death or divorce. A child may be placed with
19 the parent of a man whom the court has found probable cause to
20 believe is the putative father if there is no man with legally
21 established rights to the child. This placement of the child with
22 the parent of a man whom the court has found probable cause to
23 believe is the putative father is for the ~~purposes~~**purpose** of
24 placement only, ~~and is not to be construed as a finding of~~
25 ~~paternity, or to~~**and does not** confer legal standing. The court
26 shall order the terms and conditions of probation or supervision,
27 including reasonable rules for the conduct of the parents,
28 guardian, or custodian, if any, as the court determines necessary
29 for the physical, mental, or moral well-being and behavior of the



1 juvenile. The court may order that the juvenile participate in a
2 juvenile drug treatment court under chapter 10A of the revised
3 judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088. The
4 court also shall order, as a condition of probation or supervision,
5 that the juvenile shall pay the minimum state cost prescribed by
6 section 18m of this chapter.

7 (c) If a juvenile is within the court's jurisdiction under
8 section 2(a) of this chapter, or under section 2(h) of this chapter
9 for a supplemental petition, place the juvenile in a suitable
10 foster care home subject to the court's supervision. If a juvenile
11 is within the court's jurisdiction under section 2(b) of this
12 chapter, the court shall not place a juvenile in a foster care home
13 subject to the court's supervision.

14 (d) Except as otherwise provided in this subdivision, place
15 the juvenile in or commit the juvenile to a private institution or
16 agency approved or licensed by the department's division of child
17 welfare licensing for the care of juveniles of similar age, sex,
18 and characteristics. If the juvenile is not a ward of the court,
19 the court shall commit the juvenile to the department or, if the
20 county is a county juvenile agency, to that county juvenile agency
21 for placement in or commitment to an institution or agency as the
22 department or county juvenile agency determines is most
23 appropriate, subject to any initial level of placement the court
24 designates.

25 (e) Except as otherwise provided in this subdivision, commit
26 the juvenile to a public institution, county facility, institution
27 operated as an agency of the court or county, or agency authorized
28 by law to receive juveniles of similar age, sex, and
29 characteristics. If the juvenile is not a ward of the court, the



1 court shall commit the juvenile to the department or, if the county
2 is a county juvenile agency, to that county juvenile agency for
3 placement in or commitment to an institution or facility as the
4 department or county juvenile agency determines is most
5 appropriate, subject to any initial level of placement the court
6 designates. ~~If a child is not less than 17 years of age and is in~~
7 ~~violation of a personal protection order, the court may commit the~~
8 ~~child to a county jail within the adult prisoner population.~~ In a
9 placement under subdivision (d) or a commitment under this
10 subdivision, except to a state institution or a county juvenile
11 agency institution, the juvenile's religious affiliation shall be
12 protected by placement or commitment to a private ~~child-placing~~
13 **child placing** or ~~child-caring~~ **child caring** agency or institution,
14 if available. Except for commitment to the department or a county
15 juvenile agency, an order of commitment under this subdivision to a
16 state institution or agency described in the youth rehabilitation
17 services act, 1974 PA 150, MCL 803.301 to 803.309, or in 1935 PA
18 220, MCL 400.201 to 400.214, the court shall name the
19 superintendent of the institution to which the juvenile is
20 committed as a special guardian to receive benefits due the
21 juvenile from the government of the United States. An order of
22 commitment under this subdivision to the department or a county
23 juvenile agency shall name that agency as a special guardian to
24 receive those benefits. The benefits received by the special
25 guardian shall be used to the extent necessary to pay for the
26 portions of the cost of care in the institution or facility that
27 the parent or parents are found unable to pay.

28 (f) Provide the juvenile with medical, dental, surgical, or
29 other health care, in a local hospital if available, or elsewhere,



1 maintaining as much as possible a local physician-patient
2 relationship, and with clothing and other incidental items the
3 court determines are necessary.

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

9 (h) Appoint a guardian under section 5204 of the estates and
10 protected individuals code, 1998 PA 386, MCL 700.5204, in response
11 to a petition filed with the court by a person interested in the
12 juvenile's welfare. If the court appoints a guardian as authorized
13 by this subdivision, it may dismiss the petition under this
14 chapter.

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

16 (j) If the court finds that a juvenile has violated a
17 municipal ordinance or a state or federal law, order the juvenile
18 to pay a civil fine in the amount of the civil or penal fine
19 provided by the ordinance or law. Money collected from fines levied
20 under this subsection shall be distributed as provided in section
21 29 of this chapter.

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

26 (l) If a juvenile is within the court's jurisdiction under
27 section 2(a)(1) of this chapter, place the juvenile in and order
28 the juvenile to complete satisfactorily a program of training in a
29 juvenile boot camp established by the department under the juvenile



1 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided
2 in that act. If the county is a county juvenile agency, the court
3 shall commit the juvenile to that county juvenile agency for
4 placement in the program under that act. Upon receiving a report of
5 satisfactory completion of the program from the department, the
6 court shall authorize the juvenile's release from placement in the
7 juvenile boot camp. Following satisfactory completion of the
8 juvenile boot camp program, the juvenile shall complete an
9 additional period of not less than 120 days or more than 180 days
10 of intensive supervised community reintegration in the juvenile's
11 local community. To place or commit a juvenile under this
12 subdivision, the court shall determine all of the following:

13 (i) Placement in a juvenile boot camp will benefit the
14 juvenile.

15 (ii) The juvenile is physically able to participate in the
16 program.

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

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

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

22 (vi) If the court must commit the juvenile to a county juvenile
23 agency, the county juvenile agency is able to place the juvenile in
24 a juvenile boot camp program.

25 (m) If the court entered a judgment of conviction under
26 section 2d of this chapter, enter any disposition under this
27 section or, if the court determines that the best interests of the
28 public would be served, impose any sentence upon the juvenile that
29 could be imposed upon an adult convicted of the offense for which



1 the juvenile was convicted. If the juvenile is convicted of a
2 violation or conspiracy to commit a violation of section
3 7403(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7403,
4 the court may impose the alternative sentence permitted under that
5 section if the court determines that the best interests of the
6 public would be served. The court may delay imposing a sentence of
7 imprisonment under this subdivision for a period not longer than
8 the period during which the court has jurisdiction over the
9 juvenile under this chapter by entering an order of disposition
10 delaying imposition of sentence and placing the juvenile on
11 probation upon the terms and conditions it considers appropriate,
12 including any disposition under this section. If the court delays
13 imposing sentence under this section, section 18i of this chapter
14 applies. If the court imposes sentence, it shall enter a judgment
15 of sentence. If the court imposes a sentence of imprisonment, the
16 juvenile shall receive credit against the sentence for time served
17 before sentencing. In determining whether to enter an order of
18 disposition or impose a sentence under this subdivision, the court
19 shall consider all of the following factors, giving greater weight
20 to the seriousness of the offense and the juvenile's prior record:

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

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



1 the sentencing guidelines.

2 (iii) The juvenile's prior record of delinquency including, but
3 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
28 committing a juvenile to care outside of the juvenile's own home
29 and under state, county juvenile agency, or court supervision shall



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



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

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

22 (4) An order directed to a parent or a person other than the
23 juvenile is not effective and binding on the parent or other person
24 unless opportunity for hearing is given by issuance of summons or
25 notice as provided in sections 12 and 13 of this chapter and until
26 a copy of the order, bearing the seal of the court, is served on
27 the parent or other person as provided in section 13 of this
28 chapter.

29 (5) If the court appoints an attorney to represent a juvenile,



1 parent, guardian, or custodian, the court may require in an order
2 entered under this section that the juvenile, parent, guardian, or
3 custodian reimburse the court for attorney fees.

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

11 (7) If the court finds that a juvenile comes under section 30
12 of this chapter, the court shall order the juvenile or the
13 juvenile's parent to pay restitution as provided in sections 30 and
14 31 of this chapter and in sections 44 and 45 of the William Van
15 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
16 780.795.

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

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

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

24 (9) If the court finds that the juvenile is in intentional
25 default of the payment of restitution, a court may, as provided in
26 section 31 of this chapter, revoke or alter the terms and
27 conditions of probation for nonpayment of restitution. If a
28 juvenile who is ordered to engage in community service
29 intentionally refuses to perform the required community service,



1 the court may revoke or alter the terms and conditions of
2 probation.

3 (10) The court shall not enter an order of disposition for a
4 juvenile offense as defined in section 1a of 1925 PA 289, MCL
5 28.241a, or a judgment of sentence for a conviction until the court
6 has examined the court file and has determined that the juvenile's
7 biometric data have been collected and forwarded as required by
8 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's
9 fingerprints have been taken and forwarded as required by the sex
10 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736. If a
11 juvenile's biometric data have not been collected or a juvenile has
12 not had his or her fingerprints taken, the court shall do either of
13 the following:

14 (a) Order the juvenile to submit himself or herself to the
15 police agency that arrested or obtained the warrant for the
16 juvenile's arrest so the juvenile's biometric data can be collected
17 and forwarded and his or her fingerprints can be taken and
18 forwarded.

19 (b) Order the juvenile committed to the sheriff's custody for
20 collecting and forwarding the juvenile's biometric data and taking
21 and forwarding the juvenile's fingerprints.

22 (11) Upon final disposition, conviction, acquittal, or
23 dismissal of an offense within the court's jurisdiction under
24 section 2(a)(1) of this chapter, using forms approved by the state
25 court administrator, the clerk of the court entering the final
26 disposition, conviction, acquittal, or dismissal shall immediately
27 advise the department of state police of that final disposition,
28 conviction, acquittal, or dismissal as required by section 3 of
29 1925 PA 289, MCL 28.243. The report to the department of state



1 police shall include information as to the finding of the judge or
2 jury and a summary of the disposition or sentence imposed.

3 (12) If the court enters an order of disposition based on an
4 act that is a juvenile offense as defined in section 1 of 1989 PA
5 196, MCL 780.901, the court shall order the juvenile to pay the
6 assessment as provided in that act. If the court enters a judgment
7 of conviction under section 2d of this chapter for an offense that
8 is a felony, misdemeanor, or ordinance violation, the court shall
9 order the juvenile to pay the assessment as provided in that act.

10 (13) If the court has entered an order of disposition or a
11 judgment of conviction for a listed offense as defined in section 2
12 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
13 court, the department, or the county juvenile agency shall register
14 the juvenile or accept the juvenile's registration as provided in
15 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
16 28.736.

17 (14) If the court enters an order of disposition placing a
18 juvenile in a juvenile boot camp program, or committing a juvenile
19 to a county juvenile agency for placement in a juvenile boot camp
20 program, and the court receives from the department a report that
21 the juvenile has failed to perform satisfactorily in the program,
22 that the juvenile does not meet the program's requirements or is
23 medically unable to participate in the program for more than 25
24 days, that there is no opening in a juvenile boot camp program, or
25 that the county juvenile agency is unable to place the juvenile in
26 a juvenile boot camp program, the court shall release the juvenile
27 from placement or commitment and enter an alternative order of
28 disposition. A juvenile shall not be placed in a juvenile boot camp
29 under an order of disposition more than once, except that a



1 juvenile returned to the court for a medical condition, because
2 there was no opening in a juvenile boot camp program, or because
3 the county juvenile agency was unable to place the juvenile in a
4 juvenile boot camp program may be placed again in the juvenile boot
5 camp program after the medical condition is corrected, an opening
6 becomes available, or the county juvenile agency is able to place
7 the juvenile.

8 (15) If the juvenile is within the court's jurisdiction under
9 section 2(a)(1) of this chapter for an offense other than a listed
10 offense as defined in section 2 of the sex offenders registration
11 act, 1994 PA 295, MCL 28.722, the court shall determine if the
12 offense is a violation of a law of this state or a local ordinance
13 of a municipality of this state that by its nature constitutes a
14 sexual offense against an individual who is less than 18 years of
15 age. If so, the order of disposition is for a listed offense as
16 defined in section 2 of the sex offenders registration act, 1994 PA
17 295, MCL 28.722, and the court shall include the basis for that
18 determination on the record and include the determination in the
19 order of disposition.

20 (16) The court shall not impose a sentence of imprisonment in
21 the county jail under subsection (1)(m) unless the present county
22 jail facility for the juvenile's imprisonment would meet all
23 requirements under federal law and regulations for housing
24 juveniles. The court shall not impose the sentence until it
25 consults with the sheriff to determine when the sentence will begin
26 to ensure that space will be available for the juvenile.

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



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

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

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

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



1 (3) If the court entered an order of disposition under section
2 18(1)(n) of this chapter delaying imposition of sentence, the court
3 shall conduct a review hearing to determine whether the juvenile
4 has been rehabilitated and whether the juvenile presents a serious
5 risk to public safety. If the court determines that the juvenile
6 has not been rehabilitated or that the juvenile presents a serious
7 risk to public safety, jurisdiction over the juvenile shall be
8 continued or the court may impose sentence. In making this
9 determination, the court shall consider the following:

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

12 (b) The juvenile's willingness to accept responsibility for
13 prior behavior.

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

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

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

19 (f) The recommendations of any institution or agency charged
20 with the juvenile's care for the juvenile's release or continued
21 custody.

22 (g) Other information the prosecuting attorney or juvenile may
23 submit.

24 (4) A review hearing shall be scheduled and held unless
25 adjourned for good cause as near as possible to, but before, the
26 juvenile's nineteenth birthday. If an institution or agency to
27 which the juvenile was committed believes that the juvenile has
28 been rehabilitated and that the juvenile does not present a serious
29 risk to public safety, the institution or agency may petition the



1 court to conduct a review hearing any time before the juvenile
2 becomes 19 years of age or, if the court has continued
3 jurisdiction, any time before the juvenile becomes 21 years of age.

4 (5) Not less than 14 days before a review hearing is to be
5 conducted, the prosecuting attorney, juvenile, and, if addresses
6 are known, the juvenile's parent or guardian shall be notified. The
7 notice shall state that the court may extend jurisdiction over the
8 juvenile or impose sentence and shall advise the juvenile and the
9 juvenile's parent or guardian of the right to legal counsel. If
10 legal counsel has not been retained or appointed to represent the
11 juvenile, the court shall appoint legal counsel and may assess the
12 cost of providing counsel as costs against the juvenile or those
13 responsible for the juvenile's support, or both, if the persons to
14 be assessed are financially able to comply.

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

21 (7) The court shall conduct a final review of the juvenile's
22 probation not less than 3 months before the end of the probation
23 period. If the court determines at this review that the best
24 interests of the public would be served by imposing any other
25 sentence provided by law for an adult offender, the court may
26 impose the sentence. In making its determination, the court shall
27 consider the criteria specified in subsection (3) and all of the
28 following criteria:

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



1 (b) Whether the juvenile is likely to be dangerous to the
2 public if released.

3 (c) The best interests of the public welfare and the
4 protection of public security.

5 (8) Not less than 14 days before a final review hearing under
6 subsection (7) is to be conducted, the prosecuting attorney,
7 juvenile, and, if addresses are known, the juvenile's parent or
8 guardian shall be notified. The notice shall state that the court
9 may impose a sentence upon the juvenile and shall advise the
10 juvenile and the juvenile's parent or guardian of the right to
11 legal counsel. If legal counsel has not been retained or appointed
12 to represent the juvenile, the court shall appoint legal counsel
13 and may assess the cost of providing counsel as costs against the
14 juvenile or those responsible for the juvenile's support, or both,
15 if the persons to be assessed are financially able to comply.

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

26 (10) If a juvenile placed on probation under an order of
27 disposition delaying imposition of sentence is found by the court
28 to have violated probation other than as provided in subsection
29 (9), the court may impose sentence or may order any of the



following for the juvenile:

(a) A change of placement.

(b) Community service.

(c) Substance ~~abuse~~**use disorder** counseling.

(d) Mental health counseling.

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

(f) Incarceration in a county jail for not more than 30 days as provided in this chapter. If a juvenile is under ~~17~~**18** years of age, the juvenile shall be placed in a room or ward out of sight and sound from adult prisoners.

(g) Other participation or performance as the court considers necessary.

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

Enacting section 1. This amendatory act takes effect October 1, 2021.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

(a) House Bill No. 4143.

(b) House Bill No. 4145.

