

HOUSE BILL No. 4056

February 4, 1987, Introduced by Reps. Van Regenmorter, Bennane, Palamara, Strand, Martin and Honigman and referred to the Committee on Appropriations.

A bill to provide for the acceptance and care of persons committed to the department of social services as juvenile wards; to provide for the establishment of certain facilities and programs; to provide for the return of juvenile wards who leave the facilities without permission; to prescribe penalties; and to provide an appropriation.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "juvenile serious offender act".

3 Sec. 2. As used in this act:

4 (a) "Department" means the department of social services.

5 (b) "Juvenile ward" means a person within the care of the
6 department who is at least 12 years of age but not over 20 years
7 of age at the time committed to the department by the juvenile
8 division of a probate court in compliance with section 18(1)(h)

1 of chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
2 section 712A.18 of the Michigan Compiled Laws, if the act for
3 which the person is committed occurred before his or her seven-
4 teenth birthday.

5 (c) "Secure correctional facility" means a place of confine-
6 ment which is locked or is otherwise designed to physically
7 restrict the movements and activities of juvenile wards within
8 the facility and is designed to prevent juvenile wards from
9 escaping from the facility. A secure correctional facility shall
10 be operated by the department and shall provide 24-hour on-site
11 supervision.

12 Sec. 3. The department shall accept a person properly com-
13 mitted to it pursuant to section 18(1)(h) of chapter XIIIA of Act
14 No. 288 of the Public Acts of 1939, being section 712A.18 of the
15 Michigan Compiled Laws, for purposes of secure placement, care,
16 rehabilitation, and training. The state, represented by the
17 director of the department or the director's designate, shall
18 have custody of a person accepted as a juvenile ward under this
19 act from the time of acceptance until the juvenile ward is dis-
20 charged pursuant to section 6. The department may consent to
21 routine, nonsurgical medical care or emergency medical treatment
22 for the juvenile ward, but consent for nonemergency, elective
23 surgery shall be given by the juvenile ward's parent, parents, or
24 legal guardian or if the juvenile is 18 years of age or older, by
25 the juvenile.

26 Sec. 4. (1) The department shall establish secure
27 correctional facilities for the care of juvenile wards. The

1 department shall supervise and operate secure correctional
2 facilities or contract for the care of juvenile wards in secure
3 correctional facilities.

4 (2) The department shall place juvenile wards within secure
5 correctional facilities under this act according to security
6 designations. The department shall not place a juvenile ward
7 under this act in any community placement, minimum security
8 facility, or other nonsecure facility. The department shall
9 promulgate rules to be used in the placement of juvenile wards
10 pursuant to the administrative procedures act of 1969, Act
11 No. 306 of the Public Acts of 1969, being sections 24.201 to
12 24.328 of the Michigan Compiled Laws. The department shall
13 examine the following in determining placement of juvenile wards
14 within secure correctional facilities:

15 (a) Whether the juvenile ward presents a threat to public
16 safety.

17 (b) The age and physical, mental, and emotional maturity and
18 condition of the juvenile ward.

19 (c) Whether the juvenile ward has a prior record for
20 offenses which if committed by an adult would be a felony.

21 (d) Whether the juvenile ward presents a threat to the phys-
22 ical safety of the staff or other juvenile wards.

23 (e) Whether the juvenile ward presents a chronic management
24 problem.

25 (f) Whether the juvenile ward presents a serious escape
26 risk.

1 (3) If the department determines that the best interests of
2 a juvenile ward require placement in a mental institution, a
3 juvenile ward shall be placed in a mental institution by the
4 department pursuant to the mental health code, Act No. 258 of the
5 Public Acts of 1974, being sections 330.1001 to 330.2106 of the
6 Michigan Compiled Laws. If placement in a mental institution
7 occurs, the juvenile ward shall be returned to the custody of the
8 department upon release from the mental institution.

9 Sec. 5. The department shall establish programs for the
10 rehabilitation, education, and training of juvenile wards.
11 Programs shall include therapy programs, general educational
12 development programs, community college academic and vocational
13 programs, and related trades instruction.

14 Sec. 6. (1) A juvenile ward committed to the department
15 shall not be released until his or her term of years has been
16 served unless released sooner upon the order of the juvenile
17 division of the probate court pursuant to section 18c of chapter
18 XIIIA of Act No. 288 of the Public Acts of 1939, being section
19 712A.18c of the Michigan Compiled Laws. A juvenile ward shall be
20 automatically released by the department upon reaching the age of
21 21.

22 (2) A juvenile ward who escapes from the facility in which
23 he or she has been placed shall be returned to the facility in
24 which he or she was placed by a peace officer with or without a
25 court order. A person having knowledge of the location of a
26 juvenile ward who has escaped shall immediately notify the
27 department and the nearest peace officer.

1 (3) A person who induces or assists a juvenile ward in
2 escaping from the facility in which he or she has been placed or
3 who fails to give the notice required in subsection (2) is guilty
4 of a misdemeanor.

5 Sec. 7. All records of the department pertaining to a juve-
6 nile ward are confidential and shall not be made public unless:

7 (a) If the juvenile ward is under the age of majority, by
8 the authorization of the department if considered necessary for
9 the best interests of the juvenile ward.

10 (b) Upon the juvenile ward's release, by the authorization
11 of the department if considered necessary to warn members of the
12 public.

13 (c) If the juvenile ward has attained the age of majority,
14 by his or her consent.

15 Sec. 8. The legislature annually shall appropriate a sum
16 sufficient to implement this act.

17 Sec. 9. This act shall not take effect unless all of the
18 following bills of the 84th Legislature are enacted into law:

19 (a) House Bill No. 4057 (request no. 00275'87 a)*.

20 (b) House Bill No. 4058 (request no. 00275'87 b).

21 (c) House Bill No. 4059 (request no. 00275'87 c).