

HOUSE BILL No. 5683

March 10, 1992, Introduced by Rep. Strand and referred to the Committee on Judiciary.

A bill to amend sections 11, 12, 14, and 15 of chapter II of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," section 11 as amended by Act No. 4 of the Public Acts of 1988, being sections 762.11, 762.12, 762.14, and 762.15 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 11, 12, 14, and 15 of chapter II of Act
2 No. 175 of the Public Acts of 1927, section 11 as amended by Act
3 No. 4 of the Public Acts of 1988, being sections 762.11, 762.12,
4 762.14, and 762.15 of the Michigan Compiled Laws, are amended to
5 read as follows:

CHAPTER II

1
2 Sec. 11. When ~~a youth is alleged to have~~ AN INDIVIDUAL 17
3 YEARS OF AGE OR OLDER BUT LESS THAN 20 YEARS OF AGE PLEADS GUILTY
4 TO OR IS FOUND GUILTY OF HAVING committed a criminal offense,
5 other than a felony for which the maximum punishment is life
6 imprisonment, a major controlled substance offense, or a traffic
7 offense, ~~between the youth's seventeenth and twentieth~~
8 ~~birthdays,~~ the court of record having jurisdiction of the crimi-
9 nal offense may, with the consent of ~~both the affected youth~~
10 THAT INDIVIDUAL and ~~the youth's~~ HIS OR HER legal guardian or
11 guardian ad litem, consider and assign that ~~youth~~ INDIVIDUAL to
12 the status of youthful trainee. As used in this section,
13 "traffic offense" means a violation of the Michigan vehicle code,
14 Act No. 300 of the Public Acts of 1949, being sections 257.1 to
15 257.923 of the Michigan Compiled Laws, or a VIOLATION OF A local
16 ordinance substantially corresponding to that act, ~~which~~
17 ~~violation~~ THAT involves the operation of a vehicle and, at the
18 time of the violation, is a felony or A misdemeanor.

19 Sec. 12. The court of record ~~—~~ having jurisdiction over
20 the criminal offense referred to in section 1 ~~—~~ may, at any
21 time, terminate its consideration of the ~~youth~~ INDIVIDUAL as a
22 youthful trainee or, once having assigned the ~~youth~~ INDIVIDUAL
23 to the status of a youthful trainee, may at its discretion revoke
24 ~~such~~ THAT status at any time prior to the ~~youth's~~
25 INDIVIDUAL'S final release. ~~Such~~ THE termination of considera-
26 tion ~~—~~ or ~~such~~ revocation of status as a youthful trainee ~~—~~
27 shall serve to reinstate the criminal case against ~~such youth~~

1 THE INDIVIDUAL at the point interrupted when the ~~consideration~~
2 ASSIGNMENT as a youthful trainee was ~~commenced. No information~~
3 MADE. INFORMATION divulged by the youth ~~subsequent to the~~
4 ~~commencement of consideration of the~~ HIS OR HER ASSIGNMENT AS A
5 youthful trainee ~~status, may be~~ IS NOT admissible as evidence
6 in the criminal case. ~~Should~~ IF the status of ~~a~~ youthful
7 trainee ~~be~~ IS revoked and sentence imposed under criminal pro-
8 cedure, the court in imposing sentence shall specifically grant
9 credit against the sentence for time served as a youthful trainee
10 in an institutional facility of the department of corrections.

11 Sec. 14. ~~An assignment of a youth to~~ AN INDIVIDUAL WHO
12 SUCCESSFULLY COMPLETES the status of youthful trainee ~~as pro-~~
13 vided in this chapter shall not be ~~deemed to be a conviction~~
14 CONSIDERED TO HAVE BEEN CONVICTED of A crime, and ~~such person~~
15 THE INDIVIDUAL shall suffer no civil disability ~~OR LOSS OF~~
16 right or privilege following his OR HER release from ~~such~~ THAT
17 status because of ~~such~~ HIS OR HER assignment as a youthful
18 trainee. Unless ~~such person shall be later convicted of~~ THE
19 COURT ENTERS A JUDGMENT OF CONVICTION AGAINST THE INDIVIDUAL FOR
20 the crime alleged UNDER SECTION 1 to have been committed,
21 ~~referred to in section 1,~~ all proceedings ~~relative to~~
22 REGARDING the disposition of the criminal charge and ~~to~~ the
23 assignment OF THE INDIVIDUAL as youthful trainee shall be closed
24 to public inspection, but shall be open to the courts of ~~the~~
25 THIS state, the department of corrections, the department of
26 social services, and law enforcement personnel ~~in the~~

1 ~~performance of~~ PERFORMING their duties, and ~~such information~~
2 may only be used for the performance of ~~such~~ THOSE duties.

3 Sec. 15. ~~The provisions of this~~ THIS chapter ~~may~~ also
4 ~~be applied~~ APPLIES to ~~a youth~~ AN INDIVIDUAL over ~~the age of~~
5 15 years OF AGE whose jurisdiction has been waived under ~~the~~
6 ~~provisions of~~ section 27 of chapter ~~4~~ IV of this act.