

HOUSE BILL No. 5911

June 9, 1992, Introduced by Reps. Bodem, Porreca, Jamian, Hoffman, McBryde, Bartnik, London, Dalman, Strand, Middaugh, Jaye, Rocca, Gnodtke, Bender, Johnson, Horton, Fitzgerald, Nye, Oxender, Brackenridge, Dolan, Middleton, Dobb, O'Connor, Goss, Bobier, Gernaat, Gilmer, Shugars, Bankes, DeLange, Willis Bullard, Martin, Van Singel, Munsell, Sikkema and Walberg and referred to the Committee on Judiciary.

A bill to amend sections 2 and 5 of Act No. 73 of the Public Acts of 1988, entitled,

"The juvenile facilities act,"

being sections 803.222 and 803.225 of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 5 of Act No. 73 of the Public
2 Acts of 1988, being sections 803.222 and 803.225 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 2. As used in this act:

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

6 (b) "Juvenile" means a person within the jurisdiction of the
7 juvenile division of the probate court under section 2(a) of
8 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
9 section 712A.2 of the Michigan Compiled Laws; within the

1 jurisdiction of the circuit court under section 606 of the
2 revised judicature act of 1961, Act No. 236 of the Public Acts of
3 1961, being section 600.606 of the Michigan Compiled Laws; or
4 within the jurisdiction of the recorder's court of the city of
5 Detroit under section 10a(1)(c) of Act No. 369 of the Public Acts
6 of 1919, being section 725.10a of the Michigan Compiled Laws.

7 (c) "Juvenile facility" means a county facility, an institu-
8 tion operated as an agency of the county or the juvenile division
9 of the probate court, or a state institution or agency described
10 in the youth rehabilitation services act, Act No. 150 of the
11 Public Acts of 1974, being sections 803.301 to 803.309 of the
12 Michigan Compiled Laws, to which a juvenile has been committed
13 under section 18(1)(e) of chapter XIIIA of Act No. 288 of the
14 Public Acts of 1939, being section 712A.18 of the Michigan
15 Compiled Laws, or under section 27a of chapter IV ~~or section 1~~
16 ~~of chapter IX~~ of the code of criminal procedure, Act No. 175 of
17 the Public Acts of 1927, being ~~sections~~ SECTION 764.27a ~~and~~
18 ~~769.1~~ of the Michigan Compiled Laws.

19 Sec. 5. (1) Before a juvenile hearing under section 18d of
20 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
21 section 712A.18d of the Michigan Compiled Laws, ~~or under section~~
22 ~~1b of chapter IX of the code of criminal procedure, Act No. 175~~
23 ~~of the Public Acts of 1927, being section 769.1b of the Michigan~~
24 ~~Compiled Laws,~~ the department shall prepare a commitment report
25 for the court. A commitment report shall include all of the
26 following:

1 (a) The services and programs currently being utilized by,
2 or offered to, the juvenile and the juvenile's participation in
3 those services and programs.

4 (b) Where the juvenile currently resides and the juvenile's
5 behavior in his or her current placement.

6 (c) The juvenile's efforts toward rehabilitation.

7 (d) Recommendations for the juvenile's release or continued
8 custody.

9 (2) If the department believes that the juvenile has been
10 rehabilitated and does not present a serious risk to public
11 safety, the department may petition the court to conduct a review
12 hearing at any time before the juvenile becomes 19 years of age,
13 or if the committing court has continued jurisdiction over the
14 juvenile, at any time before the juvenile becomes 21 years of
15 age.

16 (3) The annual report required by section 3 may be combined
17 with a review hearing under this section.

18 Section 2. Section 4 of Act No. 73 of the Public Acts of
19 1988, being section 803.224 of the Michigan Compiled Laws, is
20 repealed.

21 Section 3. This amendatory act shall not take effect unless
22 Senate Bill No. _____ or House Bill No. 5913 (request
23 no. 05976'92) of the 86th Legislature is enacted into law.