

SENATE BILL No. 831

March 25, 1992, Introduced by Senators WELBORN and
DE GROW and referred to the Committee on Judiciary.

A bill to amend sections 11, 12, 13, 14, and 16 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, 762.13, 762.14, and 762.16 of the
Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 11, 12, 13, 14, and 16 of chapter II of
2 Act No. 175 of the Public Acts of 1927, section 11 as amended by
3 Act No. 4 of the Public Acts of 1988, being sections 762.11,
4 762.12, 762.13, 762.14, and 762.16 of the Michigan Compiled Laws,
5 are amended to read as follows:

CHAPTER II

1
2 Sec. 11. When ~~a youth~~ AN INDIVIDUAL WHO HAS NOT PREVI-
3 OUSLY BEEN CONVICTED OF A CRIME is alleged to have committed a
4 criminal offense, other than a felony for which the maximum pun-
5 ishment is life imprisonment, a major controlled substance
6 offense, or a traffic offense, ~~between the youth's seventeenth~~
7 ~~and twentieth birthdays,~~ the court of record having jurisdiction
8 of the criminal offense may, with the consent of ~~both the~~
9 ~~affected youth~~ THAT INDIVIDUAL OR, IF THE INDIVIDUAL IS LESS
10 THAN 18 YEARS OF AGE, THE INDIVIDUAL and ~~the youth's~~ HIS OR HER
11 legal guardian or guardian ad litem, consider and assign that
12 ~~youth~~ INDIVIDUAL to the status of ~~youthful~~ trainee. As used
13 in this section, "traffic offense" means a violation of the
14 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
15 being sections 257.1 to 257.923 of the Michigan Compiled Laws, or
16 a local 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 the
20 criminal offense referred to in section 1, may at any time termi-
21 nate its consideration of the ~~youth~~ INDIVIDUAL as a ~~youthful~~
22 trainee or, once having assigned the ~~youth~~ INDIVIDUAL to the
23 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 THAT INDIVIDUAL at the point interrupted when the consideration
2 as a ~~youthful~~ trainee was commenced. No information divulged
3 by the ~~youth~~ INDIVIDUAL, subsequent to the commencement of con-
4 sideration of the ~~youthful~~ trainee status, ~~may be~~ IS admissi-
5 ble as evidence in the criminal case. ~~Should~~ IF the status of
6 a ~~youthful~~ trainee ~~be~~ IS revoked and sentence imposed under
7 criminal procedure, the court in imposing sentence shall
8 ~~specifically~~ grant credit against the sentence for time served
9 as a ~~youthful~~ trainee in an institutional facility of the
10 department of corrections.

11 Sec. 13. (1) If ~~a youth~~ AN INDIVIDUAL is assigned to the
12 status of a ~~youthful~~ trainee and the underlying charge is an
13 offense punishable by imprisonment in a state prison for a term
14 of more than 1 year, the court shall DO 1 OF THE FOLLOWING:

15 (a) ~~commit~~ COMMIT the ~~youth~~ INDIVIDUAL to the department
16 of corrections for custodial supervision and training for a
17 period OF not ~~to exceed~~ MORE THAN 3 years in an institutional
18 facility designated by the department for ~~such~~ THAT purpose.
19 ~~or~~

20 (b) ~~place~~ PLACE the ~~youth~~ INDIVIDUAL on probation for a
21 period OF not ~~to exceed~~ MORE THAN 3 years. ~~A youth~~ AN
22 INDIVIDUAL placed on probation shall be under the supervision of
23 a probation officer or community assistance officer appointed by
24 the corrections commission.

25 (2) Upon commitment to and receipt by the department of cor-
26 rections, a ~~youthful~~ trainee shall be subject to the direction
27 of the department of corrections.

1 Sec. 14. ~~An~~ THE assignment of ~~a youth~~ AN INDIVIDUAL to
2 the status of ~~youthful~~ trainee, as provided in this chapter,
3 ~~shall~~ IS not ~~be deemed to be~~ a conviction ~~of~~ FOR A crime
4 and ~~such person~~ THAT INDIVIDUAL shall suffer no civil disabil-
5 ity ~~,~~ OR LOSS OF right or privilege following his OR HER
6 release from ~~such~~ THAT status because of ~~such~~ THE assignment
7 as a ~~youthful~~ trainee. Unless ~~such person shall be later~~ THE
8 INDIVIDUAL IS SUBSEQUENTLY convicted of the crime THAT HE OR SHE
9 IS alleged UNDER SECTION 1 to have ~~been~~ committed, ~~referred to~~
10 ~~in section 1,~~ all proceedings ~~relative to~~ REGARDING the dispo-
11 sition of the criminal charge and to the assignment as ~~youthful~~
12 trainee shall be closed to public inspection, but shall be open
13 to the ~~courts~~ COURT of ~~the~~ THIS state, the department of cor-
14 rections, the department of social services, and law enforcement
15 personnel ~~in the performance of~~ PERFORMING their duties, and
16 ~~such information~~ may only be used for the performance of ~~such~~
17 THOSE duties.

18 Sec. 16. Sections 11 to 15 shall be known as the "Holmes
19 ~~youthful~~ trainee act."