

Act No. 197
Public Acts of 1994
Approved by the Governor
June 19, 1994
Filed with the Secretary of State
June 21, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Kelly Miller Koivisto Hart Faust Bouchard and Geake

ENROLLED SENATE BILL No. 779

AN ACT to amend section 2 of Act No 13 of the Public Acts of 1988 entitled An act to permit certain minors to be diverted from the juvenile court system to establish diversion criteria and procedures to require certain records to be made and kept to prescribe certain powers and duties of juvenile courts and of law enforcement agencies and to prescribe certain penalties being section 722 822 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 2 of Act No 13 of the Public Acts of 1988 being section 722 822 of the Michigan Compiled Laws is amended to read as follows

Sec 2 As used in this act

(a) Assaultive crime means an offense that if committed by an adult would constitute an offense against a person described in section 82 83 84 86 87 88 89 316 317 321 349 349a 350 397 520b 520c 520d 520e 520g 529 529a or 530 of the Michigan penal code Act No 328 of the Public Acts of 1931 being sections 750 82 750 83 750 84 750 86 750 87 750 88 750 89 750 316 750 317 750 321 750 349 750 349a 750 350 750 397 750 520b 750 520c 750 520d 750 520e 750 520g 750 529 750 529a and 750 530 of the Michigan Compiled Laws

(b) Court means the juvenile division of the probate court

(c) Divert or diversion means the placement that occurs when a formally recorded apprehension is made by a law enforcement agency for an act by a minor that if a petition were filed with the court would bring that minor within section 2(a) of chapter XIIA of Act No 288 of the Public Acts of 1939 being section 712A 2 of the Michigan Compiled Laws and instead of petitioning the court or authorizing a petition either of the following occurs

(i) The minor is released into the custody of his or her parent guardian or custodian and the investigation is discontinued

(ii) The minor and the minor's parent guardian or custodian agree to work with a person or public or private organization or agency that will assist the minor and the minor's family in resolving the problem that initiated the investigation

(d) Law enforcement agency means a police department of a city village or township a sheriff's department the department of state police or any other governmental law enforcement agency in this state

(e) Minor means an individual less than 17 years of age

Section 2 This amendatory act shall take effect October 1 1994

Section 3 This amendatory act shall not take effect unless Senate Bill No 773 of the 87th Legislature is enacted into law

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor