



HOUSE BILL No. 4587

April 1, 1993, Introduced by Reps. McNutt and Hammerstrom 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~~ IF AN INDIVIDUAL
3 17 YEARS OF AGE OR OLDER BUT LESS THAN 20 YEARS OF AGE PLEADS
4 GUILTY TO OR IS FOUND GUILTY OF HAVING committed a criminal
5 offense, other than a felony for which the maximum punishment is
6 life imprisonment, a major controlled substance offense, or a
7 traffic 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~~ BEFORE 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~~ REINSTATES the criminal case against

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

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

1 of social services, and law enforcement personnel ~~in the~~
2 ~~performance of~~ PERFORMING their duties, and ~~such information~~
3 ~~may~~ SHALL only be used for ~~the performance of such~~ PERFORMING
4 THOSE duties.

5 Sec. 15. ~~The provisions of this~~ THIS chapter ~~may~~ also
6 ~~be applied~~ APPLIES to ~~a youth~~ AN INDIVIDUAL over ~~the age of~~
7 15 years OF AGE whose jurisdiction has been waived under ~~the~~
8 ~~provisions of~~ section 27 of chapter ~~4~~ IV of this act.