



SENATE BILL No. 193

January 26, 1993, Introduced by Senators BOUCHARD and WELBORN and referred to the Committee on Judiciary.

A bill to amend sections 12, 13, and 14 of chapter II of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," being sections 762.12, 762.13, and 762.14 of the Michigan Compiled Laws; and to add sections 2a and 4a to chapter XI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 12, 13, and 14 of chapter II of Act
2 No. 175 of the Public Acts of 1927, being sections 762.12,
3 762.13, and 762.14 of the Michigan Compiled Laws, are amended and
4 sections 2a and 4a are added to chapter XI to read as follows:

CHAPTER II

5
6 Sec. 12. (1) The court of record ~~—~~ having jurisdiction
7 over the criminal offense referred to in section ~~—17—~~ 11 OF THIS
8 CHAPTER may at any time terminate its consideration of the youth
9 as a youthful trainee or, once having assigned the youth to the

SENATE BILL No. 193

1 status of a youthful trainee, may at its discretion revoke ~~such~~
2 THAT status ~~at~~ any time ~~prior to~~ BEFORE the youth's final
3 release. ~~Such~~ IF A YOUTH WHO IS REQUIRED TO REGISTER PURSUANT
4 TO THE SEX OFFENDERS REGISTRATION ACT VIOLATES THAT ACT, THE
5 COURT SHALL REVOKE THE PERSON'S STATUS AS A YOUTHFUL TRAINEE.
6 THE termination of consideration ~~,~~ FOR or ~~such~~ THE revocation
7 of status as a youthful trainee, ~~shall serve to reinstate~~
8 REINSTATES the criminal case against ~~such~~ THE youth at the
9 point interrupted when ~~the~~ consideration as a youthful trainee
10 ~~was commenced~~ BEGAN. No information divulged by the youth ~~,~~
11 subsequent to the commencement of consideration of the youthful
12 trainee status ~~,~~ ~~may be~~ IS admissible as evidence in the crimi-
13 nal case. ~~Should~~ IF the status of a youthful trainee ~~be~~ IS
14 revoked and sentence imposed, ~~under criminal procedure,~~ the
15 court in imposing sentence shall specifically grant credit
16 against the sentence for time served as a youthful trainee in an
17 institutional facility of the department of corrections.

18 Sec. 13. (1) If a youth is assigned to the status of a
19 youthful trainee and the underlying charge is an offense punish-
20 able by imprisonment ~~in a state prison~~ for a term of more than
21 1 year, the court shall DO 1 OF THE FOLLOWING:

22 (a) ~~commit~~ COMMIT the youth to the department of correc-
23 tions for custodial supervision and training for a period not to
24 exceed 3 years in an institutional facility designated by the
25 department for such purpose. ~~or~~

26 (b) ~~place~~ PLACE the youth on probation for a period not to
27 exceed 3 years.

1 (2) A youth placed on probation shall be under the
2 supervision of a probation officer or community assistance offi-
3 cer appointed by the corrections commission. Upon commitment to
4 and receipt by the department of corrections, a youthful trainee
5 ~~shall be~~ IS subject to the direction of the department of
6 corrections.

7 (3) IF THE YOUTH IS COMMITTED TO THE DEPARTMENT OF CORREC-
8 TIONS PURSUANT TO SUBSECTION (1)(A) FOR A LISTED OFFENSE ENUMER-
9 ATED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT, UPON
10 RELEASE THE DEPARTMENT OF CORRECTIONS SHALL EXPLAIN TO THE YOUTH
11 HIS OR HER DUTY TO REGISTER PURSUANT TO THAT ACT. THE DEPARTMENT
12 OF CORRECTIONS SHALL REQUIRE THE YOUTH TO READ AND SIGN A FORM
13 STATING THAT THE DUTY TO REGISTER HAS BEEN EXPLAINED TO THE
14 YOUTH. THE DEPARTMENT OF CORRECTIONS SHALL OBTAIN THE ADDRESS
15 WHERE THE YOUTH EXPECTS TO RESIDE WHEN RELEASED. THE DEPARTMENT
16 OF CORRECTIONS SHALL GIVE 1 COPY OF THE FORM TO THE YOUTH AND
17 SHALL FORWARD 2 COPIES OF THE FORM AND REPORT THE YOUTH'S ADDRESS
18 TO THE DEPARTMENT OF STATE POLICE WITHIN 3 DAYS AFTER THE YOUTH
19 IS RELEASED. THE DEPARTMENT OF STATE POLICE SHALL FORWARD 1 COPY
20 AND REPORT THE YOUTH'S ADDRESS TO THE LAW ENFORCEMENT AGENCY WITH
21 WHOM THE YOUTH IS REQUIRED TO REGISTER PURSUANT TO THE SEX
22 OFFENDERS REGISTRATION ACT.

23 (4) IF THE YOUTH IS PLACED ON PROBATION PURSUANT TO SUBSEC-
24 TION (1)(B) FOR A LISTED OFFENSE ENUMERATED IN SECTION 2 OF THE
25 SEX OFFENDERS REGISTRATION ACT, THE COURT SHALL EXPLAIN TO THE
26 YOUTH HIS OR HER DUTY TO REGISTER PURSUANT TO THAT ACT. THE
27 COURT SHALL REQUIRE THE YOUTH TO READ AND SIGN A FORM STATING

1 THAT THE DUTY TO REGISTER HAS BEEN EXPLAINED TO THE YOUTH. THE
2 COURT SHALL OBTAIN THE ADDRESS WHERE THE YOUTH EXPECTS TO RESIDE
3 WHEN RELEASED ON PROBATION. THE COURT SHALL GIVE 1 COPY OF THE
4 FORM TO THE YOUTH AND SHALL FORWARD 2 COPIES OF THE FORM AND
5 REPORT THE YOUTH'S ADDRESS TO THE DEPARTMENT OF STATE POLICE
6 WITHIN 3 DAYS. THE DEPARTMENT OF STATE POLICE SHALL FORWARD 1
7 COPY AND REPORT THE YOUTH'S ADDRESS TO THE LAW ENFORCEMENT AGENCY
8 WITH WHOM THE PERSON IS REQUIRED TO REGISTER PURSUANT TO THE SEX
9 OFFENDERS REGISTRATION ACT.

10 (5) THE DEPARTMENT OF STATE POLICE SHALL DEVELOP FORMS SUIT-
11 ABLE FOR USE UNDER SUBSECTIONS (3) AND (4) AND SHALL DISTRIBUTE
12 THE APPROPRIATE FORMS TO THE DEPARTMENT OF CORRECTIONS AND TO THE
13 COURTS HAVING JURISDICTION OVER YOUTHFUL TRAINEES PURSUANT TO
14 THIS CHAPTER.

15 Sec. 14. (1) An assignment of a youth to the status of
16 youthful trainee ~~, as provided in this chapter, shall not be~~
17 ~~deemed to be~~ IS NOT a conviction of A crime and, ~~such~~ EXCEPT
18 AS PROVIDED IN SUBSECTION (2), THE person shall suffer no civil
19 disability, right, or privilege following his OR HER release from
20 ~~such~~ THAT status because of ~~such~~ assignment as a youthful
21 trainee. Unless ~~such~~ THE person ~~shall be~~ IS later convicted
22 of the crime alleged to have been committed, referred to in sec-
23 tion ~~1~~ 11 OF THIS CHAPTER, all proceedings ~~relative to~~
24 REGARDING the disposition of the criminal charge and to the
25 assignment as youthful trainee shall be closed to public inspec-
26 tion, but shall be open to the courts of the state, the
27 department of corrections, the department of social services, and

1 law enforcement personnel in the performance of their duties and
2 ~~such~~ THE information may only be used for the performance of
3 ~~such~~ THOSE duties.

4 (2) A YOUTH ASSIGNED TO YOUTHFUL TRAINEE STATUS FOR A LISTED
5 OFFENSE AS DESCRIBED IN SECTION 2 OF THE SEX OFFENDERS REGISTRA-
6 TION ACT IS REQUIRED TO COMPLY WITH THAT ACT FOR ANY LISTED
7 OFFENSE FOR WHICH HE OR SHE IS ASSIGNED TO YOUTHFUL TRAINEE
8 STATUS UNTIL HE OR SHE IS 25 YEARS OF AGE.

9 CHAPTER XI

10 SEC. 2A. (1) IF AN INDIVIDUAL IS PLACED ON PROBATION FOR A
11 LISTED OFFENSE ENUMERATED IN SECTION 2 OF THE SEX OFFENDERS REG-
12 ISTRATION ACT, THE COURT SHALL EXPLAIN TO THE INDIVIDUAL HIS OR
13 HER DUTY TO REGISTER PURSUANT TO THAT ACT. THE COURT SHALL
14 REQUIRE THE INDIVIDUAL TO READ AND SIGN A FORM STATING THAT THE
15 DUTY TO REGISTER HAS BEEN EXPLAINED TO THE INDIVIDUAL. THE COURT
16 SHALL OBTAIN THE ADDRESS WHERE THE INDIVIDUAL EXPECTS TO RESIDE
17 WHEN RELEASED ON PROBATION. THE COURT SHALL GIVE 1 COPY OF THE
18 FORM TO THE INDIVIDUAL, AND SHALL FORWARD 2 COPIES OF THE FORM
19 AND REPORT THE INDIVIDUAL'S ADDRESS TO THE DEPARTMENT OF STATE
20 POLICE WITHIN 3 DAYS. THE DEPARTMENT OF STATE POLICE SHALL FOR-
21 WARD 1 COPY AND REPORT THE INDIVIDUAL'S ADDRESS TO THE LAW
22 ENFORCEMENT AGENCY WITH WHOM THE INDIVIDUAL IS REQUIRED TO REGIS-
23 TER PURSUANT TO THE SEX OFFENDERS REGISTRATION ACT.

24 (2) THE DEPARTMENT OF STATE POLICE SHALL DEVELOP FORMS SUIT-
25 ABLE FOR USE UNDER SUBSECTION (1) AND SHALL DISTRIBUTE THE FORMS
26 TO COURTS HAVING JURISDICTION OVER THE LISTED OFFENSES DESCRIBED
27 IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT.

1 (3) THIS SECTION DOES NOT APPLY TO A JUVENILE PLACED ON
2 PROBATION AND COMMITTED UNDER SECTION 1(3) OR (4) OF CHAPTER IX
3 TO A STATE INSTITUTION OR AGENCY DESCRIBED IN THE YOUTH REHABILI-
4 TATION SERVICES ACT, ACT NO. 150 OF THE PUBLIC ACTS OF 1974,
5 BEING SECTIONS 803.301 TO 803.309 OF THE MICHIGAN COMPILED LAWS.

6 SEC. 4A. (1) THE COURT SHALL REVOKE PROBATION PURSUANT TO
7 SECTION 4 OF THIS CHAPTER IF THE INDIVIDUAL VIOLATES THE SEX
8 OFFENDERS REGISTRATION ACT.

9 (2) THIS SECTION DOES NOT APPLY TO A JUVENILE PLACED ON PRO-
10 BATION AND COMMITTED UNDER SECTION 1(3) OR (4) OF CHAPTER IX TO A
11 STATE INSTITUTION OR AGENCY DESCRIBED IN THE YOUTH REHABILITATION
12 SERVICES ACT, ACT NO. 150 OF THE PUBLIC ACTS OF 1974, BEING SEC-
13 TIONS 803.301 TO 803.309 OF THE MICHIGAN COMPILED LAWS.

14 Section 2. This amendatory act shall not take effect unless
15 Senate Bill No. 192

16 of the 87th Legislature is enacted into law.