



SENATE BILL No. 398

February 16, 1993, Introduced by Senators POLLACK, DINGELL, DILLINGHAM, KOIVISTO, HART, CONROY, FAUST, STABENOW and referred to the Committee on Judiciary.

A bill to amend sections 12, 13, and 14 of chapter II and section 2 of chapter XI of Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

section 2 of chapter XI as amended by Act No. 251 of the Public Acts of 1992, being sections 762.12, 762.13, 762.14, and 771.2 of the Michigan Compiled Laws; and to add section 4a to chapter XI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 12, 13, and 14 of chapter II and sec-
2 tion 2 of chapter XI of Act No. 175 of the Public Acts of 1927,
3 section 2 of chapter XI as amended by Act No. 251 of the Public
4 Acts of 1992, being sections 762.12, 762.13, 762.14, and 771.2 of
5 the Michigan Compiled Laws, are amended and section 4a is added
6 to chapter XI to read as follows:

CHAPTER II

1
2 Sec. 12. (1) The court of record ~~—~~ having jurisdiction
3 over the criminal offense referred to in section ~~+~~ 11 OF THIS
4 CHAPTER may at any time terminate its consideration of the youth
5 as a youthful trainee or, once having assigned the youth to the
6 status of a youthful trainee, may at its discretion revoke ~~such~~
7 THAT status ~~at~~ any time ~~prior to~~ BEFORE the youth's final
8 release. ~~Such termination~~ IF A YOUTH WHO IS REQUIRED TO REGIS-
9 TER PURSUANT TO THE SEX OFFENDERS REGISTRATION ACT VIOLATES THAT
10 ACT, THE COURT SHALL REVOKE THE PERSON'S STATUS AS A YOUTHFUL
11 TRAINEE. TERMINATION of consideration ~~—~~ FOR or ~~such~~ revoca-
12 tion of status as a youthful trainee ~~— shall serve to reinstate~~
13 REINSTATES the criminal case against ~~such~~ THE youth at the
14 point interrupted when ~~the~~ consideration as a youthful trainee
15 ~~was commenced~~ BEGAN. No information divulged by the youth ~~—~~
16 ~~subsequent to the commencement of~~ AFTER consideration of the
17 youthful trainee status ~~— may be~~ BEGINS IS admissible as evi-
18 dence in the criminal case. ~~Should~~ IF the status of a youthful
19 trainee ~~be~~ IS revoked and sentence imposed, ~~under criminal~~
20 ~~procedure,~~ the court in imposing sentence shall specifically
21 grant credit against the sentence for time served as a youthful
22 trainee in an institutional facility of the department of
23 corrections.

24 Sec. 13. (1) If a youth is assigned to the status of a
25 youthful trainee and the underlying charge is an offense punish-
26 able by imprisonment ~~in a state prison~~ for a term of more than
27 1 year, the court shall DO 1 OF THE FOLLOWING:

1 (a) ~~commit~~ COMMIT the youth to the department of
2 corrections for custodial supervision and training for ~~a period~~
3 not ~~to exceed~~ MORE THAN 3 years in an institutional facility
4 designated by the department for such purpose. ~~or~~

5 (b) ~~place~~ PLACE the youth on probation for ~~a period~~ not
6 ~~to exceed~~ MORE THAN 3 years.

7 (2) A youth placed on probation shall be under the supervi-
8 sion of a probation officer or community assistance officer
9 appointed by the corrections commission. Upon commitment to and
10 receipt by the department of corrections, a youthful trainee
11 ~~shall be~~ IS subject to the direction of the department of
12 corrections.

13 (3) IF THE YOUTH IS COMMITTED TO THE DEPARTMENT OF CORREC-
14 TIONS PURSUANT TO SUBSECTION (1)(A) FOR A LISTED OFFENSE ENUMER-
15 ATED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT, UPON
16 RELEASE THE DEPARTMENT OF CORRECTIONS SHALL REGISTER THE YOUTH
17 PURSUANT TO THAT ACT.

18 (4) IF THE YOUTH IS PLACED ON PROBATION PURSUANT TO SUBSEC-
19 TION (1)(B) FOR A LISTED OFFENSE ENUMERATED IN SECTION 2 OF THE
20 SEX OFFENDERS REGISTRATION ACT, THE COURT SHALL REGISTER THE
21 YOUTH PURSUANT TO THAT ACT.

22 Sec. 14. (1) An assignment of a youth to the status of
23 youthful trainee ~~, as provided in this chapter, shall not be~~
24 ~~deemed to be~~ IS NOT a conviction of A crime and, ~~such~~ EXCEPT
25 AS PROVIDED IN SUBSECTION (2), THE person shall suffer no civil
26 disability, right, or privilege following his OR HER release from
27 ~~such~~ THAT status because of ~~such~~ assignment as a youthful

1 trainee. Unless ~~such~~ THE person ~~shall be~~ IS later convicted
 2 of the crime alleged to have been committed, referred to in sec-
 3 tion ~~+~~ 11 OF THIS CHAPTER, all proceedings ~~relative to~~
 4 REGARDING the disposition of the criminal charge and to the
 5 assignment as youthful trainee shall be closed to public inspec-
 6 tion, but shall be open to the courts of the state, the depart-
 7 ment of corrections, the department of social services, and law
 8 enforcement personnel in the performance of their duties and
 9 ~~such~~ THE information may only be used for the performance of
 10 ~~such~~ THOSE duties.

11 (2) A YOUTH ASSIGNED TO YOUTHFUL TRAINEE STATUS FOR A LISTED
 12 OFFENSE AS DEFINED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION
 13 ACT IS REQUIRED TO COMPLY WITH THAT ACT FOR ANY LISTED OFFENSE
 14 FOR WHICH HE OR SHE IS ASSIGNED TO YOUTHFUL TRAINEE STATUS.

15 CHAPTER XI

16 Sec. 2. (1) Except as provided in section 2a of this chap-
 17 ter, if the defendant is convicted for an offense ~~which~~ THAT is
 18 not a felony, the period of probation shall not exceed 2 years.
 19 Except as provided in section 2a of this chapter, if the
 20 defendant is convicted of a felony ~~which~~ THAT is not a major
 21 controlled substance offense, the period of probation shall not
 22 exceed 5 years.

23 (2) The court shall by order, to be filed or entered in the
 24 cause as the court may direct by general rule or in each case,
 25 fix and determine the period and conditions of probation. The
 26 order ~~, whether it is filed or entered, shall be~~ IS considered
 27 as part of the record in the cause. ~~and shall be at all times~~

1 ~~alterable and amendable, both~~ THE COURT MAY AMEND THE ORDER, in
2 form ~~and~~ OR in substance, ~~in the court's discretion~~ AT ANY
3 TIME.

4 (3) A defendant who is placed on probation pursuant to sec-
5 tion 1(3) of this chapter shall be placed on probation for life.
6 That sentence may be made subject to conditions of probation
7 specified in section 3 of this chapter and to revocation for vio-
8 lation of those conditions, but the period of probation shall not
9 be reduced other than by a revocation ~~which~~ THAT results in
10 imprisonment.

11 (4) IF AN INDIVIDUAL IS PLACED ON PROBATION FOR A LISTED
12 OFFENSE ENUMERATED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION
13 ACT, THE COURT SHALL REGISTER THE INDIVIDUAL PURSUANT TO THAT ACT
14 BEFORE ENTERING THE PROBATION ORDER.

15 (5) ~~(4)~~ Subsections (1) and (3) do not apply to a juvenile
16 placed on probation and committed under section 1(3) or (4) of
17 chapter IX to a state institution or agency described in the
18 youth rehabilitation services act, Act No. 150 of the Public Acts
19 of 1974, being sections 803.301 to 803.309 of the Michigan
20 Compiled Laws.

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

24 (2) THIS SECTION APPLIES TO A JUVENILE PLACED ON PROBATION
25 AND COMMITTED UNDER SECTION 1(3) OR (4) OF CHAPTER IX TO A STATE
26 INSTITUTION OR AGENCY DESCRIBED IN THE YOUTH REHABILITATION

1 SERVICES ACT, ACT NO. 150 OF THE PUBLIC ACTS OF 1974, BEING
2 SECTIONS 803.301 TO 803.309 OF THE MICHIGAN COMPILED LAWS.

3 Section 2. This amendatory act shall not take effect unless

4 Senate Bill No. 397

5 of the 87th Legislature is enacted into law.