



SENATE BILL No. 1010

February 9, 1994, Introduced by Senator WELBORN 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~~ 11, may at any time
21 terminate its consideration of the ~~youth~~ INDIVIDUAL as a
22 ~~youthful~~ trainee or, once having assigned the ~~youth~~
23 INDIVIDUAL to the status of a ~~youthful~~ trainee, may at its dis-
24 cretion revoke ~~such~~ THAT status at any time prior to the
25 ~~youth's~~ INDIVIDUAL'S final release ~~Such~~ THE termination of
26 consideration, or ~~such~~ revocation of status as a ~~youthful~~
27 trainee, shall serve to reinstate the criminal case against ~~such~~

1 ~~youth~~ THAT INDIVIDUAL at the point interrupted when the
2 consideration as a ~~youthful~~ trainee was commenced No informa-
3 tion divulged by the ~~youth~~ INDIVIDUAL, subsequent to the com-
4 mencement of consideration of the ~~youthful~~ trainee status, ~~may~~
5 ~~be~~ IS admissible as evidence in the criminal case ~~Should~~ IF
6 the status of a ~~youthful~~ trainee ~~be~~ IS revoked and sentence
7 imposed under criminal procedure, the court in imposing sentence
8 shall ~~specifically~~ grant credit against the sentence for time
9 served as a ~~youthful~~ trainee in an institutional facility of
10 the 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~~ IS subject to the
27 direction 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 11 to have ~~been~~ committed ~~referred~~
10 ~~to in section 1~~ all proceedings ~~relative to~~ REGARDING the
11 disposition of the criminal charge and to the assignment as
12 ~~youthful~~ trainee shall be closed to public inspection, but
13 shall be open to the ~~courts~~ COURT of ~~the~~ THIS state, the
14 department of corrections, the department of social services, and
15 law enforcement personnel ~~in the performance of~~ PERFORMING
16 their duties, and ~~such information~~ may only be used for the
17 performance of ~~such~~ THOSE duties
18 Sec 16 Sections 11 to 15 OF THIS CHAPTER shall be known
19 as the "Holmes ~~youthful~~ trainee act "