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JUVENILE OFFENDERS: PROOF OF REHABILITATION

House Bill 4037

Sponsor: Rep. Beverly Hammerstrom
Committee: Judiciary and Civil Rights

Complete to 4-16-96

A SUMMARY OF HOUSE BILL 4037 AS INTRODUCED 1-11-95

Under the juvenile code, if a juvenile is committed for certain offenses, the probate court conducts a review hearing to determine whether the juvenile has been rehabilitated and whether he or she presents a serious risk to public safety. If the court determines that the juvenile hasn't been rehabilitated or that he or she presents a serious risk to public safety, then jurisdiction over the juvenile is continued. In making its determination, the court considers certain factors, including the extent and nature of the juvenile's participation in education, counseling, or work programs; his or her willingness to accept responsibility for prior behavior; his or her behavior in his or her current placement; his or her prior record and character and his or her physical and mental maturity; his or her potential for violent conduct, as demonstrated by prior behavior; the recommendations of the agency caring for the juvenile; and other information submitted by the prosecutor or the juvenile.

The bill would amend the juvenile code to place on offending juveniles the burden of proof to demonstrate whether he or she had been rehabilitated or presented a serious risk to public safety. In meeting this burden of proof, the juvenile could use the commitment report of the institution, agency, or facility in which he or she was housed and which is required under the code for the court to use at a review hearing.

MCL 712A.18d

House Bill 4037 (4-16-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.