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LOWER THE AGE REQUIREMENT FOR JUVENILE WAIVER

House Bill 4486
Sponsor: Rep. David Galloway

House Bill 4487
Sponsor: Rep. James Ryan

House Bill 4489
Sponsor: Rep. Penny Crissman

House Bill 4490
Sponsor: Rep. Terry London

Committee: Judiciary and Civil Rights

Complete to 8-25-95

A SUMMARY OF HOUSE BILLS 4486, 4487, 4489, and 4490 AS INTRODUCED 2-28-95

The bills, which are tie-barred, would lower the age requirement for waiver of jurisdiction of the juvenile division of the probate court and allow other courts to maintain jurisdiction of such cases. Currently, a youth must be 15 years of age or older and be accused of having committed one of a list of serious crimes, or be accused of having committed a crime that, if committed by an adult, would be a felony, in order to be tried as an adult. Under the bills, the threshold would be 14 years of age.

House Bill 4486 would amend the Revised Judicature Act (MCL 600.606). Currently the circuit courts' jurisdiction over juveniles is limited to only those juveniles 15 years old or older and less than 17 years old who were involved in the commission of any of the following crimes: assault with intent to commit murder; assault with intent to rob or steal; attempted murder; first degree murder; second degree murder; first degree criminal sexual conduct; aggravated assault/armed robbery; carjacking; unlawful manufacture, delivery, or possession of a controlled substance; or possession of a controlled substance or an analogue of a controlled substance. The bill would expand circuit court jurisdiction by lowering the age requirement to include cases where the perpetrator was 14 years old or older and less than 17 years old.

House Bill 4487 would add similar provisions to the act establishing Detroit Recorder's Court (MCL 725.10a).

House Bill 4489 would amend the Code of Criminal Procedure (MCL 762.15 et al.). The bill would require that the rules of venue and jurisdiction, as well as the Holmes Youthful Trainee Act, also be applied to juveniles over the age of 14 who are to be tried as adults.

House Bills 4486, 4487, 4489 and 4490 (8-25-95)

The bill would provide the prosecuting attorney with the authority to file a complaint and warrant on a juvenile 14 years old or older, but less than 17 years old, where the prosecutor had reason to believe that the juvenile had committed one of the crimes listed above. It would also allow the judge of the probate court to waive jurisdiction over a child 14 years old or older where that child has been charged with a crime that, if committed by an adult, would be a felony.

House Bill 4490 would amend the provisions of the juvenile code concerning the jurisdiction of the juvenile division of the probate court (MCL 712A.4). Under current law, the juvenile court has no jurisdiction over juveniles, 15 years old or older, who have committed one of the specified crimes, unless the prosecuting attorney files a petition with the juvenile court instead of authorizing a complaint and warrant. The bill would maintain the same limitation on the jurisdiction of the juvenile division except that the age limit in such cases would be changed to 14 years of age or older.

The bill would also change the age at which a jurisdiction over a juvenile may be waived by the juvenile court upon the motion of the prosecuting attorney. Currently the juvenile must be fifteen years of age or older, and must have been accused of committing a crime that, if committed by an adult, would be a felony. The bill would lower the age threshold to age 14.