



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 4038 (Substitute H-3 as reported without amendment)

Sponsor: Representative Beverly Hammerstrom

House Committee: Judiciary and Civil Rights

Senate Committee: Judiciary

## **CONTENT**

The bill would amend the juvenile code to exclude a juvenile court criminal hearing, as proposed by Senate Bill 682 (H-3), from the code's authorization for the juvenile court to hold informal hearings. Also, in a juvenile court criminal trial, a jury could be demanded as provided by law, and a jury would have to be summoned and impaneled as provided in the Code of Criminal Procedure.

In addition to any other disposition under the juvenile code, a juvenile, other than a juvenile sentenced in the same manner as an adult after a juvenile court criminal trial, would have to be committed to a juvenile detention facility for a specified period of time, if all of the following circumstances existed:

- The juvenile was under the juvenile court's jurisdiction for a violation of a municipal ordinance or a State or Federal law.
- The juvenile was adjudicated as, or convicted of, violating a criminal municipal ordinance or State or Federal law.
- The juvenile was found to have used a firearm during the criminal violation.

The specified period of time for commitment could not exceed the length of the sentence that could have been imposed if the juvenile had been sentenced as an adult.

The juvenile code provides that a disposition of any child or any evidence given in a juvenile court case is not lawful evidence against that child in any civil, criminal, or any other cause or proceeding in any court for any purpose, except in subsequent cases against the same child under the juvenile code. The bill specifies that this provision would not apply to a criminal conviction under the juvenile code, as proposed by Senate Bill 683 (H-3).

The bill would take effect on January 1, 1997, and is tie barred to House Bills 4037, 4044, 4371, 4445, 4486, 4487, and 4490, and Senate Bills 281, 283, 682, 689, 699, 700, 724, 867, and 870.

MCL 712A.17 et al.

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

Please see **FISCAL IMPACT** for House Bill 4037.

Date Completed: 5-22-96

Fiscal Analyst: M. Hansen  
C. Cole  
M. Bain

floor\hb4038

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.