



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

BILL



ANALYSIS

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

House Bill 4490 (Substitute H-3 as reported without amendment)

Sponsor: Representative Terry London

House Committee: Judiciary and Civil Rights

Senate Committee: Judiciary

CONTENT

The bill would amend the juvenile code to reduce from 15 to 14 years the minimum age at which a minor may be waived from the juvenile court to a court of general criminal jurisdiction. The bill also would revise the factors a juvenile court must consider in determining whether to waive jurisdiction over a juvenile; require the juvenile court to give greater weight to the seriousness of the alleged offense and the juvenile's prior record of delinquency than to the other factors; and require the waiver of jurisdiction over a juvenile under certain circumstances.

The waiver factors that the juvenile court would have to consider, under the bill, are the seriousness of the alleged offense in terms of community protection, including, but not limited to, the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm or other dangerous weapon, and the impact on any victim; the culpability of the juvenile in committing the alleged offense, including, but not limited to, the level of the juvenile's participation in planning and carrying out the offense and the existence of any aggravating or mitigating factors recognized by the sentencing guidelines; the juvenile's prior record of delinquency including, but not limited to, any record of detention, any police record, any school record, or any other evidence indicating prior delinquent behavior; the juvenile's programming history, including, but not limited to, his or her willingness to participate meaningfully in available programming; the adequacy of the punishment or programming available in the juvenile justice system; and the dispositional options available for the juvenile.

If the juvenile court determined that there was probable cause to believe that an offense had been committed that if committed by an adult would be a felony and that the juvenile committed the offense, the court would have to waive jurisdiction of the juvenile if the court found that he or she had previously been subject to the jurisdiction of the circuit court or the Detroit Recorder's Court upon a prosecutor's direct filing of criminal charges.

In addition, the bill specifies that the code's rehearing provisions would not apply to a criminal proceeding under the juvenile code, as Senate Bill 682 (H-3) would allow.

The bill would take effect on January 1, 1997, and is tie-barred to House Bills 4037, 4038, 4044, 4371, 4445, 4486, and 4487, and Senate Bills 281, 283, 682, 689, 699, 700, 724, 867, and 870.

MCL 712A.4 & 712A.21

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\hb4490

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.