

Act No. 254
Public Acts of 1996
Approved by the Governor
June 11, 1996
Filed with the Secretary of State
June 12, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senator Cisky

ENROLLED SENATE BILL No. 724

AN ACT to amend section 27a of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," as added by Act No. 67 of the Public Acts of 1988, being section 764.27a of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 27a of chapter IV of Act No. 175 of the Public Acts of 1927, as added by Act No. 67 of the Public Acts of 1988, being section 764.27a of the Michigan Compiled Laws, is amended to read as follows:

CHAPTER IV

Sec. 27a. (1) A juvenile, other than a juvenile confined under subsection (3), shall not be confined in a police station, prison, jail, lock-up, or reformatory, or be transported with, or compelled or permitted to associate or mingle with, criminal persons while awaiting trial.

(2) A juvenile, other than a juvenile confined under subsection (3), whose habits or conduct are considered to be a menace to other children, or who may not otherwise be safely detained, may be ordered by a court to be placed in a jail or other place of detention for adults, but in a room or ward out of sight and sound from adults.

(3) A juvenile or individual less than 17 years of age who is under the jurisdiction of the circuit court or recorder's court of the city of Detroit for committing a felony may be confined in the county jail pending trial. An individual less than 17 years of age who is under the jurisdiction of the probate court for committing a felony may be held in the county jail pending trial if the case is designated by the court under section 2d of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2d of the Michigan Compiled Laws, as a case in which the individual is to be tried in

the same manner as an adult and the court has determined that there is probable cause to believe that the felony was committed and that there is probable cause to believe the individual committed that felony. If a juvenile or individual less than 17 years of age is confined in the county jail under this subsection, the juvenile or individual less than 17 years of age shall be held physically separate from adult prisoners. A juvenile or individual less than 17 years of age shall not be confined in the county jail under this subsection without the prior approval of the county sheriff. As used in this subsection, "felony" means a crime that is designated by law as a felony or that is punishable by imprisonment for more than 1 year.

(4) The court, upon motion of a juvenile or individual less than 17 years of age who is subject to confinement under subsection (3) may, for good cause shown, order the juvenile or individual less than 17 years of age to be confined as otherwise provided by law.

(5) If a person is convicted of a crime within this state and has served time in a juvenile facility before sentencing because of being denied or being unable to furnish bond for the offense of which he or she is convicted, the trial court in imposing sentence shall specifically grant credit against the sentence for time served in a juvenile facility before sentencing.

Section 2. This amendatory act shall take effect January 1, 1997.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 88th Legislature are enacted into law:

- (a) Senate Bill No. 281.
- (b) Senate Bill No. 283.
- (c) Senate Bill No. 682.
- (d) Senate Bill No. 689.
- (e) Senate Bill No. 699.
- (f) Senate Bill No. 700.
- (g) Senate Bill No. 867.
- (h) Senate Bill No. 870.
- (i) House Bill No. 4037.
- (j) House Bill No. 4038.
- (k) House Bill No. 4044.
- (l) House Bill No. 4371.
- (m) House Bill No. 4445.
- (n) House Bill No. 4486.
- (o) House Bill No. 4487.
- (p) House Bill No. 4490.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.