

Act No. 415
Public Acts of 1996
Approved by the Governor
October 30, 1996
Filed with the Secretary of State
October 31, 1996

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

Introduced by Senator Rogers

ENROLLED SENATE BILL No. 1044

AN ACT to amend the title and section 2 of Act No. 13 of the Public Acts of 1988, entitled "An act to permit certain minors to be diverted from the juvenile court system; to establish diversion criteria and procedures; to require certain records to be made and kept; to prescribe certain powers and duties of juvenile courts and of law enforcement agencies; and to prescribe certain penalties," section 2 as amended by Act No. 197 of the Public Acts of 1994, being section 722.822 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. The title and section 2 of Act No. 13 of the Public Acts of 1988, section 2 as amended by Act No. 197 of the Public Acts of 1994, being section 722.822 of the Michigan Compiled Laws, are amended to read as follows:

TITLE

An act to permit certain minors to be diverted from the court system having jurisdiction over minors; to establish diversion criteria and procedures; to require certain records to be made and kept; to prescribe certain powers and duties of courts having jurisdiction over minors and of law enforcement agencies; and to prescribe certain penalties.

Sec. 2. As used in this act:

(a) "Assaultive crime" means an offense that, if committed by an adult, would constitute an offense against a person described in section 82, 83, 84, 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d, 520e, 520g, 529, 529a, or 530 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, and 750.530 of the Michigan Compiled Laws.

(b) "Court" means the family division of circuit court.

(c) "Divert" or "diversion" means the placement that occurs when a formally recorded apprehension is made by a law enforcement agency for an act by a minor that if a petition were filed with the court would bring that minor within section 2(a) of chapter XIIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws, and instead of petitioning the court or authorizing a petition, either of the following occurs:

(i) The minor is released into the custody of his or her parent, guardian, or custodian and the investigation is discontinued.

(ii) The minor and the minor's parent, guardian, or custodian agree to work with a person or public or private organization or agency that will assist the minor and the minor's family in resolving the problem that initiated the investigation.

(d) "Law enforcement agency" means a police department of a city, village, or township, a sheriff's department, the department of state police, or any other governmental law enforcement agency in this state.

(e) "Minor" means an individual less than 17 years of age.

Section 2. This amendatory act shall take effect January 1, 1998.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 1052 of the 88th Legislature is enacted into law.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.