



SENATE BILL No. 1044

May 21, 1996, Introduced by Senator ROGERS and referred to the Committee on Judiciary.

A bill to amend the title and section 2 of Act No. 13 of the Public Acts of 1988, entitled "Juvenile diversion act," 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:

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

5 TITLE

6 An act to permit certain minors to be diverted from the
7 ~~juvenile~~ court system HAVING JURISDICTION OVER MINORS; to
8 establish diversion criteria and procedures; to require certain
9 records to be made and kept; to prescribe certain powers and

1 duties of ~~juvenile~~ courts HAVING JURISDICTION OVER MINORS and
2 of law enforcement agencies; and to prescribe certain penalties.

3 Sec. 2. As used in this act:

4 (a) "Assaultive crime" means an offense that, if committed
5 by an adult, would constitute an offense against a person
6 described in section 82, 83, 84, 86, 87, 88, 89, 316, 317, 321,
7 349, 349a, 350, 397, 520b, 520c, 520d, 520e, 520g, 529, 529a, or
8 530 of the Michigan penal code, Act No. 328 of the Public Acts
9 of 1931, being sections 750.82, 750.83, 750.84, 750.86, 750.87,
10 750.88, 750.89, 750.316, 750.317, 750.321, 750.349, 750.349a,
11 750.350, 750.397, 750.520b, 750.520c, 750.520d, 750.520e,
12 750.520g, 750.529, 750.529a, and 750.530 of the Michigan Compiled
13 Laws.

14 (b) "Court" means the juvenile division of the probate court
15 OR THE FAMILY DIVISION OF CIRCUIT COURT.

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

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

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

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

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

11 Section 2. This amendatory act shall not take effect unless
12 House Bill No. 5158 of the 88th Legislature is enacted into law.