



SENATE BILL No. 1046

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

A bill to amend sections 2, 5, and 7 of Act No. 150 of the Public Acts of 1974, entitled "Youth rehabilitation services act," section 2 as amended by Act No. 76 of the Public Acts of 1988, section 5 as amended by Act No. 325 of the Public Acts of 1984, and section 7 as amended by Act No. 198 of the Public Acts of 1994, being sections 803.302, 803.305, and 803.307 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 5, and 7 of Act No. 150 of the
2 Public Acts of 1974, section 2 as amended by Act No. 76 of the
3 Public Acts of 1988, section 5 as amended by Act No. 325 of the
4 Public Acts of 1984, and section 7 as amended by Act No. 198 of
5 the Public Acts of 1994, being sections 803.302, 803.305, and

1 803.307 of the Michigan Compiled Laws, are amended to read as
2 follows:

3 Sec. 2. As used in this act:

4 (a) "Department" means the ~~state department of social~~
5 ~~services~~ FAMILY INDEPENDENCE AGENCY.

6 (b) "State ward" means either of the following:

7 (i) A ~~person~~ YOUTH accepted for care by the department who
8 is at least 12 years of age at the time committed to the depart-
9 ment by the juvenile division of a probate court OR THE FAMILY
10 DIVISION OF THE CIRCUIT COURT under section 18(1)(e) of chapter
11 XIIIA of Act No. 288 of the Public Acts of 1939, ~~as amended,~~
12 being section 712A.18 of the Michigan Compiled Laws, if the court
13 acquired jurisdiction over the ~~person pursuant to~~ YOUTH UNDER
14 section 2(a) or (d) of chapter XIIIA of Act No. 288 of the Public
15 Acts of 1939, ~~as amended,~~ being section 712A.2 of the Michigan
16 Compiled Laws, and if the act for which the youth is committed
17 occurred before his or her seventeenth birthday.

18 (ii) A ~~person~~ YOUTH accepted for care by the department
19 who is at least 15 years of age at the time committed to the
20 department by the court of general criminal jurisdiction under
21 section 1 of chapter IX of the code of criminal procedure, Act
22 No. 175 of the Public Acts of 1927, being section 769.1 of the
23 Michigan Compiled Laws, ~~and~~ if the act for which the youth is
24 committed occurred before his or her seventeenth birthday.

25 Sec. 5. (1) The county from which the state ward is commit-
26 ted ~~shall be~~ IS liable to the state for 50% of the cost of his
27 or her care, but this amount may be reduced by the use of funds

1 from the annual original foster care grant of the state to the
 2 county, or otherwise, for any period in respect to which the
 3 department has made a finding that the county is unable to bear
 4 50% of the cost of care. If the department reduces ~~the~~ A
 5 COUNTY'S liability ~~of a county~~ under this section, the director
 6 shall inform the respective chairpersons of the appropriations
 7 committees of the senate and house of representatives at least 14
 8 days before granting the reduction. The county of residence of
 9 the state ward ~~shall be~~ IS liable to the state, rather than the
 10 county from which the youth was committed, if the juvenile divi-
 11 sion of the probate court of the county of residence OR THE
 12 FAMILY DIVISION OF THE CIRCUIT COURT OF THE COUNTY OF RESIDENCE
 13 withheld consent to a transfer of proceedings under section 2 of
 14 chapter ~~+2A-~~ XIIIA of Act No. 288 of the Public Acts of 1939, ~~as~~
 15 ~~amended,~~ being section 712A.2 of the Michigan Compiled Laws, as
 16 determined by the department. The finding that the county is
 17 unable to bear 50% of the expense shall be based on a study of
 18 the financial resources and necessary expenditures of the county
 19 made by the department.

20 (2) The cost of care shall be determined by the department
 21 on a per diem basis using the initial annual allotment of appro-
 22 priations for the current fiscal year exclusive of capital outlay
 23 and the projected occupancy figures upon which that allotment was
 24 based. The cost of care ~~so~~ determined ~~shall apply~~ APPLIES in
 25 determining required reimbursement to the state for care provided
 26 during the calendar year immediately following the beginning of

1 the current fiscal year for which the state expenditures were
2 allotted.

3 Sec. 7. (1) A youth accepted by the department shall remain
4 a ward of the state until discharged from state wardship with the
5 approval of any of the following and, if placed in an institu-
6 tion, shall remain until released with the approval of any of the
7 following:

8 ~~(a) If the youth was committed to the department under sec-~~
9 ~~tion 18(1)(e) of chapter XIIA of Act No. 288 of the Public Acts~~
10 ~~of 1939, being section 712A.18 of the Michigan Compiled Laws, for~~
11 ~~an offense that, if committed by an adult, would be punishable by~~
12 ~~imprisonment for more than 1 year or an offense expressly desig-~~
13 ~~nated by law to be a felony, with the approval of the juvenile~~
14 ~~division of the probate court.~~

15 (A) ~~(b)~~ If the youth was committed to the department under
16 section 18(1)(e) of chapter XIIA of Act No. 288 of the Public
17 Acts of 1939 and the youth was adjudicated as being in the
18 court's jurisdiction under section 2(a) of chapter XIIA of Act
19 No. 288 of the Public Acts of 1939, being section 712A.2 of the
20 Michigan Compiled Laws, with the approval of the juvenile divi-
21 sion of the probate court OR THE FAMILY DIVISION OF THE CIRCUIT
22 COURT. This subdivision ~~takes effect June 1, 1991 and~~ applies
23 to a youth in the custody of the department on or after ~~that~~
24 ~~date~~ JUNE 1, 1991, regardless of when the youth was committed to
25 the department.

26 (B) ~~(c)~~ If the youth was committed to the department under
27 section 1 of chapter IX of the code of criminal procedure, Act

1 No. 175 of the Public Acts of 1927, being section 769.1 of the
2 Michigan Compiled Laws, with the approval of the court of general
3 criminal jurisdiction under section 1b of chapter IX of the code
4 of criminal procedure, Act No. 175 of the Public Acts of 1927,
5 being section 769.1b of the Michigan Compiled Laws.

6 (2) Except as otherwise provided in this subsection, a youth
7 accepted as a state ward shall be automatically discharged from
8 state wardship upon reaching the age of 19. A youth committed to
9 the department under section 18(1)(e) of chapter XIIA of Act
10 No. 288 of the Public Acts of 1939 for an offense that, if com-
11 mitted by an adult, would be a violation or attempted violation
12 of section 72, 83, 84, 88, 89, 91, 316, 317, 349, 520b, 520c,
13 520d, 520g, 529, 529a, or 530 of the Michigan penal code, Act
14 No. 328 of the Public Acts of 1931, being sections 750.72,
15 750.83, 750.84, 750.88, 750.89, 750.91, 750.316, 750.317,
16 750.349, 750.520b, 750.520c, 750.520d, 750.520g, 750.529,
17 750.529a, and 750.530 of the Michigan Compiled Laws, or section
18 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, Act
19 No. 368 of the Public Acts of 1978, being sections 333.7401 and
20 333.7403 of the Michigan Compiled Laws, shall be automatically
21 discharged from state wardship upon reaching the age of 21. A
22 youth committed to the department under section 1 of chapter IX
23 of Act No. 175 of the Public Acts of 1927 shall be automatically
24 discharged from state wardship upon reaching the age of 21.

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