

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5564 (Substitute S-3 as reported)
Sponsor: Representative Judith Scranton
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the juvenile code to provide that the family division of circuit court (family court) would have jurisdiction over a proceeding for a personal protection order (PPO) in which a minor under 18 years of age was the respondent (the person to be enjoined or restrained). The court's jurisdiction would continue until the PPO expired, but action regarding the order after the respondent's 18th birthday would not be subject to the juvenile code.

The bill would permit the court to issue an order authorizing the apprehension of a juvenile who was alleged to have violated a PPO. A law enforcement officer could, without a warrant, immediately take into custody a juvenile who was violating or had violated a PPO issued by the family court.

If a supplemental petition alleging a violation of a PPO were filed, the family court could order the juvenile to be detained in a facility pending a hearing (if there were a substantial likelihood of retaliation or continued violation), or could release the juvenile into the custody of a parent, guardian, or custodian. If the juvenile were at least 17 years old, he or she could be detained in a cell or other secure area of a secure facility designed to incarcerate adults. A jury could not be demanded on a supplemental petition alleging a violation of the PPO.

The bill would take effect January 1, 1999, and is tie-barred to House Bill 5567 (which would allow the warrantless arrest of a juvenile who violated a PPO, and provide for the family court's jurisdiction to conduct criminal contempt proceedings based on a juvenile's violation of a PPO), and Senate Bills 866 and 874 (which would prohibit a court from issuing a PPO if the respondent were the minor child of the petitioner, or if the petitioner were the minor child of the respondent).

MCL 710.21 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The revised enforcement procedures for personal protection orders regarding juveniles would result in additional costs to local units of government. Costs are not determinable.

Date Completed: 9-23-98

Fiscal Analyst: B. Bowerman