

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 1184**

(As Passed the Senate June 11, 1998)

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending the title and sections 2, 3, 4, 5, 6, 6a, 7, 7a, and 8 (MCL 803.302, 803.303, 803.304, 803.305, 803.306, 803.306a, 803.307, 803.307a, and 803.308), the title as amended and section 7a as added by 1996 PA 512, sections 2, 5, and 7 as amended by 1996 PA 417, section 4 as amended by 1988 PA 76, and section 6a as added by 1996 PA 481, and by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for the acceptance, care, and discharge of

3

youths committed ~~to the department as state~~ AS PUBLIC wards; to

4

prescribe the liability ~~of counties~~ for the cost of services

5

for ~~state~~ PUBLIC wards; to prescribe procedures for the return

6

of ~~state~~ PUBLIC wards who absent themselves without permission;

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1 to provide a penalty for the violation of this act; and to repeal
2 acts and parts of acts.

3 Sec. 2. As used in this act:

4 (A) "COUNTY JUVENILE AGENCY" MEANS THAT TERM AS DEFINED IN
5 SECTION 2 OF THE COUNTY JUVENILE AGENCY ACT.

6 (B) ~~(a)~~ "Department" means the family independence
7 agency.

8 (C) ~~(b)~~ ~~State~~ "PUBLIC ward" means either of the
9 following:

10 (i) A ~~person~~ YOUTH accepted for care by ~~the department~~ A
11 YOUTH AGENCY who is at least 12 years of age ~~at the time~~ WHEN
12 committed to the ~~department~~ YOUTH AGENCY by the juvenile divi-
13 sion of the probate court or the family division of circuit court
14 under section 18(1)(e) of chapter XIIIA of ~~Act No. 288 of the~~
15 ~~Public Acts of 1939, being section 712A.18 of the Michigan~~
16 ~~Compiled Laws~~ 1939 PA 288, MCL 712A.18, if the court acquired
17 jurisdiction over the ~~person~~ YOUTH under section 2(a) or (d) of
18 chapter XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
19 ~~section 712A.2 of the Michigan Compiled Laws~~ 1939 PA 288,
20 MCL 712A.2, and ~~if~~ the act for which the youth is committed
21 occurred before his or her seventeenth birthday.

22 (ii) A ~~person~~ YOUTH accepted for care by ~~the department~~
23 A YOUTH AGENCY who is at least 14 years of age ~~at the time~~ WHEN
24 committed to the ~~department~~ YOUTH AGENCY by ~~the~~ A court of
25 general criminal jurisdiction under section 1 of chapter IX of
26 the code of criminal procedure, ~~Act No. 175 of the Public Acts~~
27 ~~of 1927, being section 769.1 of the Michigan Compiled Laws~~ 1927

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1 PA 175, MCL 769.1, if the act for which the ~~person~~ YOUTH is
2 committed occurred before his or her seventeenth birthday.

3 (D) "YOUTH AGENCY" MEANS EITHER THE DEPARTMENT OR A COUNTY
4 JUVENILE AGENCY, WHICHEVER HAS RESPONSIBILITY OVER A PUBLIC WARD.

5 SEC. 2A. (1) ON THE DATE A COUNTY BECOMES A COUNTY JUVENILE
6 AGENCY UNDER THE COUNTY JUVENILE AGENCY ACT, THE COUNTY JUVENILE
7 AGENCY SHALL ASSUME RESPONSIBILITY FOR ALL PUBLIC WARDS FOR WHICH
8 THE DEPARTMENT HAD RESPONSIBILITY AND FOR WHICH THE COUNTY HAD
9 FINANCIAL LIABILITY UNDER SECTION 5 IMMEDIATELY BEFORE THE COUNTY
10 BECAME A COUNTY JUVENILE AGENCY.

11 (2) IF THE COUNTY REVOKES AUTHORIZATION FOR THE COUNTY JUVE-
12 NILE AGENCY UNDER THE COUNTY JUVENILE AGENCY ACT, THE DEPARTMENT
13 SHALL ASSUME RESPONSIBILITY FOR THE PUBLIC WARDS FOR WHICH THE
14 COUNTY JUVENILE AGENCY HAD RESPONSIBILITY ON THE EFFECTIVE DATE
15 OF REVOCATION.

16 SEC. 3. (1) ~~The department~~ A YOUTH AGENCY may receive and
17 accept youths as ~~state~~ PUBLIC wards for purposes of care and
18 rehabilitation. ~~The department~~ A YOUTH AGENCY shall accept a
19 youth properly committed to it in accordance with law. ~~The~~
20 ONLY 1 YOUTH AGENCY HAS RESPONSIBILITY FOR A YOUTH AT ANY TIME.
21 THE DEPARTMENT SHALL NOT RECEIVE OR ACCEPT YOUTHS AS PUBLIC WARDS
22 FOR A COUNTY IF THAT COUNTY IS A COUNTY JUVENILE AGENCY THAT
23 ASSUMED RESPONSIBILITY FOR PUBLIC WARDS COMMITTED BY THE JUVENILE
24 DIVISION OF PROBATE COURT, FAMILY DIVISION OF CIRCUIT COURT, OR
25 COURT OF GENERAL CRIMINAL JURISDICTION FOR THAT COUNTY.

26 (2) CUSTODY OF A PUBLIC WARD UNDER THIS ACT IS AS FOLLOWS:

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1 (A) IF THE DEPARTMENT ACCEPTS THE YOUTH OR RESPONSIBILITY
2 FOR THE YOUTH IS TRANSFERRED TO THE DEPARTMENT AS PROVIDED IN
3 SECTION 2A, THE state, represented by the DEPARTMENT director ~~of~~
4 ~~the department~~ or his OR HER designate, ~~shall have custody of a~~
5 ~~youth accepted as a state ward under this act~~ HAS CUSTODY from
6 the time of acceptance until the youth is discharged from ward-
7 ship ~~pursuant to~~ UNDER section 7 OR RESPONSIBILITY FOR THE
8 YOUTH IS TRANSFERRED TO A COUNTY JUVENILE AGENCY UNDER
9 SECTION 2A.

10 (B) IF A COUNTY JUVENILE AGENCY ACCEPTS THE YOUTH OR RESPON-
11 SIBILITY FOR THE YOUTH IS TRANSFERRED TO THE COUNTY JUVENILE
12 AGENCY UNDER SECTION 2A, THE COUNTY HAS CUSTODY FROM THE TIME OF
13 ACCEPTANCE OR TRANSFER UNTIL THE YOUTH IS DISCHARGED FROM WARD-
14 SHIP UNDER SECTION 7 OR RESPONSIBILITY FOR THE YOUTH IS TRANS-
15 FERRED TO THE DEPARTMENT UNDER SECTION 2A. FOR CUSTODY PURPOSES,
16 THE COUNTY IS REPRESENTED BY THE COUNTY DEPARTMENT DIRECTOR DES-
17 IGNATED BY THE FOLLOWING:

18 (i) FOR A COUNTY THAT HAS ADOPTED A CHARTER UNDER 1966 PA
19 293, MCL 45.501 TO 45.521, THE COUNTY EXECUTIVE OR CHIEF ADMINIS-
20 TRATIVE OFFICER.

21 (ii) FOR A COUNTY THAT HAS ADOPTED AN OPTIONAL UNIFIED FORM
22 OF COUNTY GOVERNMENT UNDER 1973 PA 139, MCL 45.551 TO 45.573, THE
23 COUNTY EXECUTIVE OR COUNTY MANAGER.

24 (iii) FOR A COUNTY NOT DESCRIBED IN SUBPARAGRAPH (i) OR
25 (ii), THE COUNTY BOARD OF COMMISSIONERS.

26 (3) If a ~~state~~ PUBLIC ward is placed in a residential
27 facility other than his OR HER own home, the ~~department~~ YOUTH

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1 AGENCY shall provide the YOUTH'S food, clothing, housing,
2 educational, medical, and treatment needs. ~~of the youth.~~ The
3 ~~department~~ YOUTH AGENCY may consent to routine ~~, non-surgical~~
4 NONSURGICAL medical care or TO emergency medical treatment of the
5 youth, but consent for ~~non-emergency,~~ NONEMERGENCY elective
6 surgery shall be given by the ~~ward's~~ YOUTH'S parent ~~or~~
7 ~~parents~~ or legal guardian. If a ~~state~~ PUBLIC ward is placed
8 in his OR HER own home, the ~~department~~ YOUTH AGENCY shall pro-
9 vide counseling services and may establish reasonable conditions
10 under which the youth will be permitted to remain in ~~his own~~
11 THE home, but THE YOUTH'S PARENTS RETAIN all other parental
12 rights and duties. ~~shall be retained by the ward's parent or~~
13 ~~parents.~~

14 Sec. 4. (1) ~~The department~~ A YOUTH AGENCY may establish
15 facilities and programs for the care of ~~state~~ PUBLIC wards.
16 ~~The department~~ A YOUTH AGENCY shall supervise and operate
17 ~~state~~ facilities and programs or contract for the care of
18 ~~state~~ PUBLIC wards, including institutions, halfway houses,
19 youth camps, diagnostic centers, regional detention facilities
20 and treatment centers, group homes, supervision in the community,
21 or other child welfare services.

22 (2) ~~The department~~ A YOUTH AGENCY may utilize the facili-
23 ties, services, ~~and~~ OR personnel of any approved agency of this
24 state and its political subdivisions or of any licensed private
25 agency for the care and rehabilitation of ~~state~~ PUBLIC wards.
26 ~~The department~~ A YOUTH AGENCY may contract with the ~~juvenile~~

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1 FAMILY division of ~~the probate~~ CIRCUIT court for the care and
2 rehabilitation of ~~state~~ PUBLIC wards.

3 (3) ~~The department~~ A YOUTH AGENCY may supervise a ~~state~~
4 PUBLIC ward placed in private home care.

5 (4) A ~~state~~ PUBLIC ward ~~under this act~~ may be placed in
6 any facility, residence, or program described in this section.

7 If the ~~department~~ YOUTH AGENCY determines the best interests of
8 a ~~state~~ PUBLIC ward require the involvement of another state
9 ~~agency~~ OR COUNTY ENTITY, other than the department of correc-
10 tions, then the ~~department, together with that~~ YOUTH agency ~~,~~
11 AND THAT STATE OR COUNTY ENTITY shall determine an appropriate
12 care and treatment plan for the ~~state~~ PUBLIC ward. A ~~state~~
13 YOUTH AGENCY MAY PLACE A PUBLIC ward ~~may be placed~~ in a mental
14 institution ~~by the department pursuant to~~ UNDER the mental
15 health code, ~~Act No. 258 of the Public Acts of 1974, being sec-~~
16 ~~tions 330.1001 to 330.2106 of the Michigan Compiled Laws, except~~
17 ~~when~~ 1974 PA 258, MCL 330.1001 TO 330.2106, UNLESS the ~~state~~
18 PUBLIC ward resides with his or her parents. If the ~~state~~
19 PUBLIC ward resides with his or her parents, placement in a
20 mental institution ~~shall be with the~~ REQUIRES consent of the
21 custodial parent. If ~~such~~ placement IN A MENTAL INSTITUTION
22 occurs, the ~~state~~ PUBLIC ward shall be returned to the YOUTH
23 AGENCY'S custody ~~of the department~~ upon release from the mental
24 institution.

25 (5) When necessary, ~~the department~~ A YOUTH AGENCY may
26 place a ~~state~~ PUBLIC ward in a public or private institution or
27 agency incorporated under the laws of another state or country

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1 and approved or licensed by that state's or country's ~~department~~
2 ~~of social welfare or equivalent~~ approving or licensing agency [,
3 PROVIDED THAT THE PROGRAM WHICH THE YOUTH AGENCY SEEKS TO PLACE A
PUBLIC WARD MEETS LICENSING LAWS, REQUIREMENTS, AND RULES REQUIRED
FOR THE PLACEMENT OF A PUBLIC WARD WITH A PUBLIC OR PRIVATE
INSTITUTION OR AGENCY IN MICHIGAN]. HOWEVER, IF 1 OR MORE
4 APPROPRIATE JUVENILE RESIDENTIAL CARE PROVIDERS LOCATED OR DOING
5 BUSINESS IN THIS STATE HAVE BED SPACE AVAILABLE, THE YOUTH AGENCY
6 SHALL USE THAT SPACE RATHER THAN A SPACE AVAILABLE BY A PROVIDER
7 LOCATED OR DOING BUSINESS IN ANOTHER STATE. THIS REQUIREMENT
8 DOES NOT APPLY IF THE PROVIDER LOCATED OR DOING BUSINESS IN
9 ANOTHER STATE OFFERS A SPECIALIZED PROGRAM THAT IS NOT AVAILABLE
10 IN THIS STATE. FOR PURPOSES OF PLACEMENTS BY THE DEPARTMENT
11 ONLY, "APPROPRIATE JUVENILE RESIDENTIAL CARE PROVIDER" MEANS A
12 PRIVATE NONPROFIT ENTITY DOMICILED IN THIS STATE THAT IS LICENSED
13 BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES AND THAT
14 ENTERED INTO 1 OR MORE CONTRACTS WITH THE DEPARTMENT TO PROVIDE
15 RESIDENTIAL CARE SERVICES FOR YOUTHS ON OR BEFORE
16 [THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE].
17 Sec. 5. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (3), THE
18 county from which the ~~state~~ PUBLIC ward is committed is liable
19 to the state for 50% of the cost of his or her care, but this
20 amount may be reduced by the use of funds from the annual origi-
21 nal foster care grant of the state to the county, or otherwise,
22 for any period in respect to which the department has made a
23 finding that the county is unable to bear 50% of the cost of
24 care. If the department reduces a county's liability under this
25 section, the director shall inform the respective chairpersons of
26 the appropriations committees of the senate and house of repre-
27 sentatives at least 14 days before granting the reduction.

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1 The county of residence of the ~~state~~ PUBLIC ward is liable to
2 the state, rather than the county from which the youth was com-
3 mitted, if the juvenile division of the probate court or the
4 family division of circuit court of the county of residence with-
5 held consent to a transfer of proceedings under section 2 of
6 chapter XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
7 ~~section 712A.2 of the Michigan Compiled Laws~~ 1939 PA 288,
8 MCL 712A.2, as determined by the department. The finding that
9 the county is unable to bear 50% of the expense shall be based on
10 a study of the financial resources and necessary expenditures of
11 the county made by the department.

12 (2) The DEPARTMENT SHALL DETERMINE THE cost of care ~~shall~~
13 ~~be determined by the department~~ on a per diem basis using the
14 initial annual allotment of appropriations for the current fiscal
15 year exclusive of capital outlay and the projected occupancy fig-
16 ures upon which that allotment was based. ~~The~~ THAT cost of
17 care ~~so determined~~ applies in determining required reimburse-
18 ment to the state for care provided during the calendar year
19 immediately following the beginning of the current fiscal year
20 for which the state expenditures were allotted.

21 (3) A COUNTY THAT IS A COUNTY JUVENILE AGENCY IS LIABLE FOR
22 THE ENTIRE COST OF A PUBLIC WARD'S CARE WHILE HE OR SHE IS COM-
23 MITTED TO THE COUNTY JUVENILE AGENCY.

24 Sec. 6. (1) A ~~state~~ PUBLIC ward shall not absent himself
25 OR HERSELF from the facility or residence in which he OR SHE has
26 been placed without THE YOUTH AGENCY'S prior approval. ~~of the~~
27 ~~department.~~ A ~~state~~ PUBLIC ward who violates this provision

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1 may be returned to the facility in which he OR SHE was placed by
2 a peace officer without A warrant. A person ~~having knowledge~~
3 ~~of~~ WHO KNOWS the whereabouts of a ~~state~~ PUBLIC ward who vio-
4 lates this ~~provision~~ SUBSECTION shall immediately notify the
5 ~~department~~ YOUTH AGENCY and the nearest peace officer.

6 (2) A person who induces or assists a ~~state~~ PUBLIC ward to
7 violate subsection (1) or who fails to give the notice required
8 in subsection (1) is guilty of a misdemeanor PUNISHABLE BY
9 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
10 \$100.00, OR BOTH.

11 Sec. 6a. (1) If a ~~state~~ PUBLIC ward described in subsec-
12 tion (2) escapes from a facility or residence in which he or she
13 has been placed, other than his or her own home or the home of
14 his or her parent or guardian, the individual at that facility or
15 residence ~~having responsibility~~ RESPONSIBLE for maintaining
16 custody of the ~~state~~ PUBLIC ward at the time of the escape
17 shall immediately notify 1 of the following of the escape or
18 cause 1 of the following to be immediately notified of the
19 escape:

20 (a) If the escape occurs in a city, village, or township
21 that has a police department, ~~the~~ THAT police department. ~~of~~
22 ~~that city, village, or township.~~

23 (b) ~~Except as provided in~~ IF subdivision (a) DOES NOT
24 APPLY, 1 of the following:

25 (i) The sheriff department of the county ~~in which~~ WHERE
26 the escape occurs.

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1 (ii) The department of state police post having jurisdiction
2 over the area ~~in which~~ WHERE the escape occurs.

3 (2) Subsection (1) applies if the ~~state~~ PUBLIC ward is a
4 ~~state~~ PUBLIC ward ~~pursuant to~~ UNDER an order of any of the
5 following:

6 (a) The juvenile division of the probate court or the family
7 division of circuit court under section 2(a)(1) of chapter XIIIA
8 of ~~Act No. 288 of the Public Acts of 1939, being section 712A.2~~
9 ~~of the Michigan Compiled Laws 1939 PA 288, MCL 712A.2.~~

10 (b) The circuit court under section 606 of the revised judi-
11 cature act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~
12 ~~being section 600.606 of the Michigan Compiled Laws 1961 PA 236,~~
13 MCL 600.606.

14 (c) The recorder's court of the city of Detroit under sec-
15 tion 10a(1)(c) of ~~Act No. 369 of the Public Acts of 1919, being~~
16 ~~section 725.10a of the Michigan Compiled Laws FORMER 1919~~
17 PA 369.

18 (3) A police agency that receives notification of an escape
19 under subsection (1) shall enter that notification into the law
20 enforcement information network without undue delay.

21 (4) As used in this section, "escape" means to leave without
22 lawful authority or to fail to return to custody when required.

23 Sec. 7. (1) A youth accepted by ~~the department shall~~
24 ~~remain~~ A YOUTH AGENCY REMAINS A PUBLIC ward ~~of the state~~
25 until discharged from ~~state~~ PUBLIC wardship with the approval
26 of any of the following and, if placed in an institution, shall
27 remain until released with the approval of any of the following:

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1 ~~(a) If the youth was committed to the department under~~
2 ~~section 18(1)(e) of chapter XIIIA of Act No. 288 of the Public~~
3 ~~Acts of 1939, being section 712A.18 of the Michigan Compiled~~
4 ~~Laws, for an offense that, if committed by an adult, would be~~
5 ~~punishable by imprisonment for more than 1 year or an offense~~
6 ~~expressly designated by law to be a felony, with the approval of~~
7 ~~the family division of circuit court.~~

8 (A) ~~(b)~~ If the youth was committed to ~~the department~~ A
9 YOUTH AGENCY under section 18(1)(e) of chapter XIIIA of ~~Act~~
10 ~~No. 288 of the Public Acts of 1939~~ 1939 PA 288, MCL 712A.18, and
11 the youth was adjudicated as being in the court's jurisdiction
12 under section 2(a) of chapter XIIIA of ~~Act No. 288 of the Public~~
13 ~~Acts of 1939, being section 712A.2 of the Michigan Compiled Laws~~
14 1939 PA 288, MCL 712A.2, with the approval of the family division
15 of circuit court. ~~This subdivision takes effect June 1, 1991~~
16 ~~and applies to a youth in the custody of the department on or~~
17 ~~after that date regardless of when the youth was committed to the~~
18 ~~department.~~

19 (B) ~~(c)~~ If the youth was committed to ~~the department~~ A
20 YOUTH AGENCY under section 1 of chapter IX of the code of crimi-
21 nal procedure, ~~Act No. 175 of the Public Acts of 1927, being~~
22 ~~section 769.1 of the Michigan Compiled Laws~~ 1927 PA 175,
23 MCL 769.1, with the approval of the court of general criminal
24 jurisdiction under section 1b of chapter IX of the code of crimi-
25 nal procedure, ~~Act No. 175 of the Public Acts of 1927, being~~
26 ~~section 769.1b of the Michigan Compiled Laws~~ 1927 PA 175,
27 MCL 769.1B.

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1 (2) Except as otherwise provided in this section, a youth
2 accepted as a ~~state~~ PUBLIC ward shall be automatically dis-
3 charged from ~~state~~ PUBLIC wardship upon reaching the age of
4 19. Except as provided in subsection (3), a youth committed to
5 ~~the department~~ A YOUTH AGENCY under section 18(1)(e) of chapter
6 XIIIA of ~~Act No. 288 of the Public Acts of 1939~~ 1939 PA 288,
7 MCL 712A.18, for an offense that, if committed by an adult, would
8 be a violation or attempted violation of section 72, 83, 84, 86,
9 88, 89, 91, 110a(2), 186a, 316, 317, 349, 520b, 520c, 520d, 520g,
10 529, 529a, 530, or 531 of the Michigan penal code, ~~Act No. 328~~
11 ~~of the Public Acts of 1931, being sections~~ 1931 PA 328, MCL
12 750.72, 750.83, 750.84, 750.86, 750.88, 750.89, 750.91, 750.110a,
13 750.186a, 750.316, 750.317, 750.349, 750.520b, 750.520c,
14 750.520d, 750.520g, 750.529, 750.529a, 750.530, and 750.531, ~~of~~
15 ~~the Michigan Compiled Laws,~~ or section 7401(2)(a)(i) or
16 7403(2)(a)(i) of the public health code, ~~Act No. 368 of the~~
17 ~~Public Acts of 1978, being sections 333.7401 and 333.7403 of the~~
18 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.7401 AND 333.7403,
19 shall be automatically discharged from ~~state~~ PUBLIC wardship
20 upon reaching the age of 21. Except as provided in
21 subsection (4), a youth committed to ~~the department~~ A YOUTH
22 AGENCY under section 1 of chapter IX of ~~Act No. 175 of the~~
23 ~~Public Acts of 1927~~ THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
24 MCL 769.1, shall be automatically discharged from ~~state~~ PUBLIC
25 wardship upon reaching the age of 21.

26 (3) If the family division of circuit court imposes a
27 delayed sentence on the youth under section 18(1)(n) of chapter

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1 XIIIA of ~~Act No. 288 of the Public Acts of 1939~~ 1939 PA 288,
2 MCL 712A.18, the youth shall be discharged from ~~state~~ PUBLIC
3 wardship and committed under the court's order.

4 (4) If a court of general criminal jurisdiction sentences
5 the youth to a sentence provided by law for an adult offender
6 under section 1b of chapter IX of ~~Act No. 175 of the Public Acts~~
7 ~~of 1927~~ THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1B,
8 the youth shall be discharged from ~~state~~ PUBLIC wardship and
9 committed under the court's order.

10 Sec. 7a. (1) A ~~state~~ PUBLIC ward under ~~the~~ A YOUTH
11 AGENCY'S jurisdiction ~~of the department~~ for a violation of sec-
12 tion 91, 316, or 317 of the Michigan penal code, ~~Act No. 328 of~~
13 ~~the Public Acts of 1931, being sections~~ 1931 PA 328, MCL 750.91,
14 750.316, and 750.317, ~~of the Michigan Compiled Laws,~~ or a vio-
15 lation or attempted violation of section 349, 520b, 520c, 520d,
16 520e, or 520g of ~~Act No. 328 of the Public Acts of 1931, being~~
17 ~~sections~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.349,
18 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, ~~of the~~
19 ~~Michigan Compiled Laws,~~ shall not be placed in a community
20 placement of any kind and shall not be discharged from wardship
21 until he or she has provided samples for chemical testing for DNA
22 identification profiling or a determination of the sample's gene-
23 tic markers and has provided samples for a determination of his
24 or her secretor status. However, if at the time the ~~state~~
25 PUBLIC ward is to be discharged from ~~state~~ PUBLIC wardship the
26 department of state police already has a sample from the ~~state~~
27 PUBLIC ward that meets the requirements of the rules promulgated

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1 under the DNA identification profiling system act, ~~Act No. 250~~
2 ~~of the Public Acts of 1990, being sections 28.171 to 28.176 of~~
3 ~~the Michigan Compiled Laws 1990 PA 250, MCL 28.171 TO 28.176,~~
4 the ~~state~~ PUBLIC ward is not required to provide another
5 sample.

6 (2) The samples required to be collected under this section
7 shall be collected by the ~~department~~ YOUTH AGENCY and transmit-
8 ted ~~by the department~~ to the department of state police in the
9 manner prescribed by rules promulgated under the DNA identifica-
10 tion profiling system act, ~~Act No. 250 of the Public Acts of~~
11 ~~1990~~ 1990 PA 250, MCL 28.171 TO 28.176.

12 (3) The ~~department~~ YOUTH AGENCY may collect a sample under
13 this section regardless of whether the ~~state~~ PUBLIC ward con-
14 sents to the collection. The ~~department~~ YOUTH AGENCY is not
15 required to give the ~~state~~ PUBLIC ward an opportunity for a
16 hearing or obtain a court order before collecting the sample.

17 (4) As used in this section, "sample" means a portion of a
18 ~~state~~ PUBLIC ward's blood, saliva, or tissue collected from the
19 ~~state~~ PUBLIC ward.

20 Sec. 8. All records of ~~the department~~ A YOUTH AGENCY per-
21 taining to a ~~state~~ PUBLIC ward are confidential and shall not
22 be made public ~~unless~~ EXCEPT AS FOLLOWS:

23 (a) If the person is ~~under the~~ LESS THAN 18 YEARS OF age,
24 ~~of majority,~~ by the AGENCY'S authorization ~~of the department~~
25 when ~~deemed~~ necessary for the PERSON'S best interests. ~~of the~~
26 youth.

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1 (b) If the person ~~has attained the age of majority~~ IS 18
2 YEARS OF AGE OR OLDER, by his OR HER consent.

3 Enacting section 1. This amendatory act does not take
4 effect unless all of the following bills of the 89th Legislature
5 are enacted into law:

6 (a) Senate Bill No. 1183

7 (b) Senate Bill No. 1185.

8 (c) Senate Bill No. 1186.

9 (d) Senate Bill No. 1187.

10 (e) Senate Bill No. 1196.

11 (f) Senate Bill No. 1197.