

**SUBSTITUTE FOR
SENATE BILL NO. 1187**

A bill to amend 1939 PA 288, entitled

"An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,"

by amending sections 1, 2, 2d, 8, 16, 18, 18a, 18k, 25, and 28 of chapter XIIIA (MCL 712A.1, 712A.2, 712A.2d, 712A.8, 712A.16, 712A.18, 712A.18a, 712A.18k, 712A.25, and 712A.28), sections 1, 2, 8, 16, and 28 as amended by 1996 PA 409, section 2d as added by 1996 PA 244, section 18 as amended by 1997 PA 163, and

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section 18k as added by 1996 PA 507, and by adding section 2e to chapter XIIIA.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XIIIA

2

Sec. 1. (1) As used in this chapter: ~~—, "court"—~~

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(A) "CIVIL INFRACTION" MEANS THAT TERM AS DEFINED IN

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SECTION 113 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,

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MCL 600.113.

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(B) "COUNTY JUVENILE AGENCY" MEANS THAT TERM AS DEFINED IN

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SECTION 2 OF THE COUNTY JUVENILE AGENCY ACT.

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(C) "COURT" means the family division of circuit court.

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(2) Except as otherwise provided, proceedings under this

10 chapter are not criminal proceedings.

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(3) This chapter shall be liberally construed so that each

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juvenile coming within the COURT'S jurisdiction ~~of the court~~

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receives the care, guidance, and control, preferably in his or

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her own home, conducive to the juvenile's welfare and the best

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interest of the state. If a juvenile is removed from the control

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of his or her parents, the juvenile shall be placed in care as

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nearly as possible equivalent to the care that should have been

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given to the juvenile by his or her parents.

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Sec. 2. The court has the following authority and

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jurisdiction:

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(a) Exclusive original jurisdiction superior to and regard-

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less of the jurisdiction of any other court in proceedings con-

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cerning a juvenile under 17 years of age who is found within the

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county if 1 or more of the following applies:

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1 (1) Except as otherwise provided in this sub-subdivision,
2 the juvenile has violated any municipal ordinance or law of the
3 state or of the United States. IF THE COURT ENTERS INTO AN
4 AGREEMENT UNDER SECTION 2E OF THIS CHAPTER, THE COURT HAS JURIS-
5 DICTION OVER A JUVENILE WHO COMMITTED A CIVIL INFRACTION AS PRO-
6 VIDED IN THAT SECTION. The court has jurisdiction over a juvenile
7 14 years of age or older who is charged with a specified juvenile
8 violation only if the prosecuting attorney files a petition in
9 the court instead of authorizing a complaint and warrant. As
10 used in this sub-subdivision, "specified juvenile violation"
11 means any of the following:

12 (A) A violation of section 72, 83, 86, 89, 91, 316, 317,
13 349, 520b, 529, 529a, or 531 of the Michigan penal code, ~~Act~~
14 ~~No. 328 of the Public Acts of 1931, being sections~~ 1931 PA 328,
15 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
16 750.349, 750.520b, 750.529, 750.529a, and 750.531. ~~of the~~
17 ~~Michigan Compiled Laws.~~

18 (B) A violation of section 84 or 110a(2) of ~~Act No. 328 of~~
19 ~~the Public Acts of 1931, being sections 750.84 and 750.110a of~~
20 ~~the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,
21 MCL 750.84 AND 750.110A, if the juvenile is armed with a danger-
22 ous weapon. As used in this paragraph, "dangerous weapon" means
23 1 or more of the following:

24 (i) A loaded or unloaded firearm, whether operable or
25 inoperable.

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1 (ii) A knife, stabbing instrument, brass knuckles,
2 blackjack, club, or other object specifically designed or
3 customarily carried or possessed for use as a weapon.

4 (iii) An object that is likely to cause death or bodily
5 injury when used as a weapon and that is used as a weapon or car-
6 ried or possessed for use as a weapon.

7 (iv) An object or device that is used or fashioned in a
8 manner to lead a person to believe the object or device is an
9 object or device described in subparagraphs (i) to (iii).

10 (C) A violation of section 186a of ~~Act No. 328 of the~~
11 ~~Public Acts of 1931, being section 750.186a of the Michigan~~
12 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
13 750.186A, regarding escape or attempted escape from a juvenile
14 facility, but only if the juvenile facility from which the indi-
15 vidual escaped or attempted to escape was 1 of the following:

16 (i) A high-security or medium-security facility operated by
17 the family independence agency OR A COUNTY JUVENILE AGENCY.

18 (ii) A high-security facility operated by a private agency
19 under contract with the family independence agency OR A COUNTY
20 JUVENILE AGENCY.

21 (D) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
22 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
23 ~~being sections 333.7401 and 333.7403 of the Michigan Compiled~~
24 ~~Laws~~ 1978 PA 368, MCL 333.7401 AND 333.7403.

25 (E) An attempt to commit a violation described in paragraphs
26 (A) to (D).

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1 (F) Conspiracy to commit a violation described in paragraphs
2 (A) to (D).

3 (G) Solicitation to commit a violation described in para-
4 graphs (A) to (D).

5 (H) Any lesser included offense of a violation described in
6 paragraphs (A) to (G) if the individual is charged with a viola-
7 tion described in paragraphs (A) to (G).

8 (I) Any other violation arising out of the same transaction
9 as a violation described in paragraphs (A) to (G) if the individ-
10 ual is charged with a violation described in paragraphs (A) to
11 (G).

12 (2) The juvenile has deserted his or her home without suffi-
13 cient cause and the court finds on the record that the juvenile
14 has been placed or refused alternative placement or the juvenile
15 and the juvenile's parent, guardian, or custodian have exhausted
16 or refused family counseling.

17 (3) The juvenile is repeatedly disobedient to the reasonable
18 and lawful commands of his or her parents, guardian, or custodian
19 and the court finds on the record by clear and convincing evi-
20 dence that court-accessed services are necessary.

21 (4) The juvenile willfully and repeatedly absents himself or
22 herself from school or other learning program intended to meet
23 the juvenile's educational needs, or repeatedly violates rules
24 and regulations of the school or other learning program, and the
25 court finds on the record that the juvenile, the juvenile's
26 parent, guardian, or custodian, and school officials or learning
27 program personnel have met on the juvenile's educational problems

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1 ~~—~~ and educational counseling and alternative agency help have
2 been sought. As used in this sub-subdivision only, "learning
3 program" means an organized educational program that is appropri-
4 ate, given the age, intelligence, ability, and any psychological
5 limitations of a juvenile, in the subject areas of reading,
6 spelling, mathematics, science, history, civics, writing, and
7 English grammar.

8 (b) Jurisdiction in proceedings concerning any juvenile
9 under 18 years of age found within the county:

10 (1) Whose parent or other person legally responsible for the
11 care and maintenance of the juvenile, when able to do so,
12 neglects or refuses to provide proper or necessary support, edu-
13 cation, medical, surgical, or other care necessary for his or her
14 health or morals, who is subject to a substantial risk of harm to
15 his or her mental well-being, who is abandoned by his or her par-
16 ents, guardian, or other custodian, or who is without proper cus-
17 tody or guardianship. As used in this sub-subdivision:

18 (A) "Education" means learning based on an organized educa-
19 tional program that is appropriate, given the age, intelligence,
20 ability, and any psychological limitations of a juvenile, in the
21 subject areas of reading, spelling, mathematics, science, histo-
22 ry, civics, writing, and English grammar.

23 (B) "Without proper custody or guardianship" does not mean a
24 parent has placed the juvenile with another person who is legally
25 responsible for the care and maintenance of the juvenile and who
26 is able to and does provide the juvenile with proper care and
27 maintenance.

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1 (2) Whose home or environment, by reason of neglect,
2 cruelty, drunkenness, criminality, or depravity on the part of a
3 parent, guardian, or other custodian, is an unfit place for the
4 juvenile to live in.

5 (3) Whose parent has substantially failed, without good
6 cause, to comply with a limited guardianship placement plan
7 described in section 424a of the revised probate code, ~~Act~~
8 ~~No. 642 of the Public Acts of 1978, being section 700.424a of the~~
9 ~~Michigan Compiled Laws~~ 1978 PA 642, MCL 700.424A, regarding the
10 juvenile.

11 (4) Whose parent has substantially failed, without good
12 cause, to comply with a court-structured plan described in
13 section 424b or 424c of the revised probate code, ~~Act No. 642 of~~
14 ~~the Public Acts of 1978, being sections 700.424b and 700.424c of~~
15 ~~the Michigan Compiled Laws~~ 1978 PA 642, MCL 700.424B AND
16 700.424C, regarding the juvenile.

17 (5) If the juvenile has a guardian under the revised probate
18 code, ~~Act No. 642 of the Public Acts of 1978, being sections~~
19 ~~700.1 to 700.993 of the Michigan Compiled Laws~~ 1978 PA 642, MCL
20 700.1 TO 700.993, and the juvenile's parent meets both of the
21 following criteria:

22 (A) The parent, having the ability to support or assist in
23 supporting the juvenile, has failed or neglected, without good
24 cause, to provide regular and substantial support for the juve-
25 nile for ~~a period of~~ 2 years or more before the filing of the
26 petition or, if a support order has been entered, has failed to

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1 substantially comply with the order for ~~a period of~~ 2 years or
2 more before the filing of the petition.

3 (B) The parent, having the ability to visit, contact, or
4 communicate with the juvenile, has regularly and substantially
5 failed or neglected, without good cause, to do so for ~~a period~~
6 ~~of~~ 2 years or more before the filing of the petition.

7 If a petition is filed in the court alleging that a juvenile
8 is within the provisions of subdivision (b)(1), (2), (3), (4), or
9 (5) ~~—~~, and the custody of that juvenile is subject to the prior
10 or continuing order of another court of record of this state, the
11 manner of notice to the other court of record and the authority
12 of the court to proceed is governed by rule of the supreme
13 court.

14 (c) Jurisdiction over juveniles under 18 years of age,
15 jurisdiction of whom has been waived to the family division of
16 circuit court by a circuit court ~~pursuant to~~ UNDER a provision
17 in a temporary order for custody of juveniles based upon a com-
18 plaint for divorce or upon a motion pursuant to a complaint for
19 divorce by the prosecuting attorney, in a divorce judgment dis-
20 solving a marriage between the parents of the juveniles, or by an
21 amended judgment relative to the custody of the juvenile in a
22 divorce.

23 (d) If the court finds on the record that voluntary services
24 have been exhausted or refused, concurrent jurisdiction in pro-
25 ceedings concerning any juvenile between the ages of 17 and 18
26 found within the county WHO IS ANY OF THE FOLLOWING:

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1 (1) ~~Who is repeatedly~~ REPEATEDLY addicted to the use of
2 drugs or the intemperate use of alcoholic liquors.

3 (2) ~~Who repeatedly associates~~ REPEATEDLY ASSOCIATING with
4 criminal, dissolute, or disorderly persons.

5 (3) ~~Who is found~~ FOUND of his or her own free will and
6 knowledge in a house of prostitution, assignation, or ill-fame.

7 (4) ~~Who repeatedly associates~~ REPEATEDLY ASSOCIATING with
8 thieves, prostitutes, pimps, or procurers.

9 (5) ~~Who is willfully~~ WILLFULLY disobedient to the reason-
10 able and lawful commands of his or her parents, guardian, or
11 other custodian and ~~is~~ in danger of becoming morally depraved.

12 If any juvenile is brought before the ~~family division of~~
13 ~~circuit~~ court in a county other than that in which the juvenile
14 resides, ~~the court may,~~ before a hearing and with the consent
15 of the judge of the ~~family division of circuit~~ court in the
16 county of residence, THE COURT MAY enter an order transferring
17 ~~the~~ jurisdiction of the matter to the court of the county of
18 residence. CONSENT TO TRANSFER JURISDICTION IS NOT REQUIRED IF
19 THE COUNTY OF RESIDENCE IS A COUNTY JUVENILE AGENCY AND SATISFAC-
20 TORY PROOF OF RESIDENCE IS FURNISHED TO THE COURT OF THE COUNTY
21 OF RESIDENCE. The order is not a legal settlement as defined in
22 section 55 of the social welfare act, ~~Act No. 280 of the Public~~
23 ~~Acts of 1939, being section 400.55 of the Michigan Compiled Laws~~
24 1939 PA 280, MCL 400.55. The order ~~, together with~~ AND a cer-
25 tified copy of the proceedings in the transferring court ~~,~~
26 shall be delivered to the court of the county ~~or circuit~~ of
27 residence. A case designated as a case in which the juvenile

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1 shall be tried in the same manner as an adult under section 2d of
2 this chapter may be transferred for venue or for juvenile dispo-
3 sition, but shall not be transferred on grounds of residency. If
4 the case is not transferred, the case shall be tried by the ~~the~~
5 ~~family division of circuit~~ court having jurisdiction of the
6 offense.

7 (e) Authority to establish or assist in developing a program
8 or programs within the county to prevent delinquency and provide
9 services to act upon reports submitted to the court related to
10 the behavior of juveniles who do not require formal court juris-
11 diction but otherwise fall within subdivision (a). These serv-
12 ices shall be used only if they are voluntarily accepted by the
13 juvenile and his or her parents, guardian, or custodian.

14 (f) If the court operates a detention home for juveniles
15 within the court's jurisdiction under subdivision (a)(1), author-
16 ity to place a juvenile within that home pending trial if the
17 juvenile is within the circuit court's jurisdiction under section
18 606 of the revised judicature act of 1961, ~~Act No. 236 of the~~
19 ~~Public Acts of 1961, being section 600.606 of the Michigan~~
20 ~~Compiled Laws, or within the recorder's court of the city of~~
21 ~~Detroit's jurisdiction under section 10a(1)(c) of Act No. 369 of~~
22 ~~the Public Acts of 1919, being section 725.10a of the Michigan~~
23 ~~Compiled Laws~~ 1961 PA 236, MCL 600.606, and if the circuit court
24 ~~or the recorder's court of the city of Detroit~~ orders the
25 family division of circuit court in the same county to place the
26 juvenile in that home. The family division of circuit court
27 shall comply with that order.

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1 (g) Authority to place a juvenile in a county jail under
2 section 27a of chapter IV of the code of criminal procedure, ~~Act~~
3 ~~No. 175 of the Public Acts of 1927, being section 764.27a of the~~
4 ~~Michigan Compiled Laws~~ 1927 PA 175, MCL 764.27A, if the COURT
5 DESIGNATES THE case ~~is designated by the court~~ under section 2d
6 of this chapter as a case in which the juvenile is to be tried in
7 the same manner as an adult ~~,~~ and the court ~~has determined~~
8 ~~that~~ DETERMINES there is probable cause to believe that the
9 offense was committed and ~~that there is~~ probable cause to
10 believe the juvenile committed that offense.

11 Sec. 2d. (1) In a petition or amended petition alleging
12 that a juvenile is within the court's jurisdiction under
13 section 2(a)(1) of this chapter for a specified juvenile viola-
14 tion, the prosecuting attorney may designate the case as a case
15 in which the juvenile is to be tried in the same manner as an
16 adult. An amended petition making a designation under this sub-
17 section shall be filed only by leave of the court.

18 (2) In a petition alleging that a juvenile is within the
19 court's jurisdiction under section 2(a)(1) of this chapter for an
20 offense other than a specified juvenile violation, the prosecut-
21 ing attorney may request that the court designate the case as a
22 case in which the juvenile is to be tried in the same manner as
23 an adult. The court may designate the case following a hearing
24 if it determines that the best interests of the juvenile and the
25 public would be served by the juvenile being tried in the same
26 manner as an adult. In determining whether the best interests of
27 the juvenile and the public would be served, the court shall

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1 consider all of the following factors, giving greater weight to
2 the seriousness of the alleged offense and the juvenile's prior
3 delinquency record than to the other factors:

4 (a) The seriousness of the alleged offense in terms of com-
5 munity protection, including, but not limited to, the existence
6 of any aggravating factors recognized by the sentencing guide-
7 lines, the use of a firearm or other dangerous weapon, and the
8 impact on any victim.

9 (b) The JUVENILE'S culpability ~~of the juvenile~~ in commit-
10 ting the alleged offense, including, but not limited to, the
11 level of the juvenile's participation in planning and carrying
12 out the offense and the existence of any aggravating or mitigat-
13 ing factors recognized by the sentencing guidelines.

14 (c) The juvenile's prior record of delinquency including,
15 but not limited to, any record of detention, any police record,
16 any school record, or any other evidence indicating prior delin-
17 quent behavior.

18 (d) The juvenile's programming history, including, but not
19 limited to, the juvenile's past willingness to participate mean-
20 ingfully in available programming.

21 (e) The adequacy of the punishment or programming available
22 in the juvenile justice system.

23 (f) The dispositional options available for the juvenile.

24 (3) If a case is designated under this section, the case
25 shall be set for trial in the same manner as the trial of an
26 adult in a court of general criminal jurisdiction unless a
27 probable cause hearing is required under subsection (4).

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1 (4) If the petition in a case designated under this section
2 alleges an offense that if committed by an adult would be a
3 felony or punishable by imprisonment for more than 1 year, the
4 court shall conduct a probable cause hearing not later than 14
5 days after the case is designated to determine whether there is
6 probable cause to believe the offense was committed and whether
7 there is probable cause to believe the juvenile committed the
8 offense. This hearing may be combined with the DESIGNATION hear-
9 ing under subsection (2) ~~on the designation of a case involving~~
10 FOR an offense other than a specified juvenile offense. A proba-
11 ble cause hearing under this section is the equivalent of the
12 preliminary examination in a court of general criminal jurisdic-
13 tion and satisfies the requirement for that hearing. A probable
14 cause hearing shall be conducted by a judge other than the judge
15 who will try the case if the juvenile is tried in the same manner
16 as an adult.

17 (5) If the court determines ~~that~~ there is probable cause
18 to believe the offense alleged in the petition was committed and
19 ~~there is~~ probable cause to believe the juvenile committed the
20 offense, the case shall be set for trial in the same manner as
21 the trial of an adult in a court of general criminal
22 jurisdiction.

23 (6) If the court determines that an offense did not occur or
24 ~~that~~ there is not probable cause to believe the juvenile com-
25 mitted ~~an~~ THE offense, the court shall dismiss the petition.
26 If the court determines there is probable cause to believe ~~that~~
27 another offense was committed and there is probable cause to

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1 believe the juvenile committed that offense, the court may
2 further determine whether the case should be designated as a case
3 in which the juvenile should be tried in the same manner as an
4 adult as provided in subsection (2). If the court designates the
5 case, the case shall be set for trial in the same manner as the
6 trial of an adult in a court of general criminal jurisdiction.

7 (7) If a case is designated under this section, the proceed-
8 ings are criminal proceedings and shall afford all procedural
9 protections and guarantees to which the juvenile would be enti-
10 tled if being tried for the offense in a court of general crimi-
11 nal jurisdiction. A plea of guilty or nolo contendere or a ver-
12 dict of guilty shall result in entry of a judgment of
13 conviction. The conviction shall have the same effect and
14 liabilities as if it had been obtained in a court of general
15 criminal jurisdiction.

16 (8) Following a judgment of conviction, the court shall
17 enter a disposition or impose a sentence authorized under
18 section 18(1)(n) of this chapter.

19 (9) As used in this section, "specified juvenile violation"
20 means any of the following:

21 (a) A violation of section 72, 83, 86, 89, 91, 316, 317,
22 349, 520b, 529, 529a, or 531 of the Michigan penal code, ~~Act~~
23 ~~No. 328 of the Public Acts of 1931, being sections 750.72,~~
24 ~~750.83, 750.86, 750.89, 750.91, 750.316, 750.317, 750.349,~~
25 ~~750.520b, 750.529, 750.529a, and 750.531 of the Michigan Compiled~~
26 ~~Laws~~ 1931 PA 328, MCL 750.72, 750.83, 750.86, 750.89, 750.91,

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1 750.316, 750.317, 750.349, 750.520B, 750.529, 750.529A, AND
2 750.531.

3 (b) A violation of section 84 or 110a(2) of ~~Act No. 328 of~~
4 ~~the Public Acts of 1931, being sections 750.84 and 750.110a of~~
5 ~~the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,
6 MCL 750.84 AND 750.110A, if the juvenile is armed with a danger-
7 ous weapon. As used in this subdivision, "dangerous weapon"
8 means 1 or more of the following:

9 (i) A loaded or unloaded firearm, whether operable or
10 inoperable.

11 (ii) A knife, stabbing instrument, brass knuckles, black-
12 jack, club, or other object specifically designed or customarily
13 carried or possessed for use as a weapon.

14 (iii) An object that is likely to cause death or bodily
15 injury when used as a weapon and that is used as a weapon or car-
16 ried or possessed for use as a weapon.

17 (iv) An object or device that is used or fashioned in a
18 manner to lead a person to believe the object or device is an
19 object or device described in subparagraphs (i) to (iii).

20 (c) A violation of section 186a of ~~Act No. 328 of the~~
21 ~~Public Acts of 1931, being section 750.186a of the Michigan~~
22 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
23 750.186A, regarding escape or attempted escape from a juvenile
24 facility, but only if the juvenile facility from which the juve-
25 nile escaped or attempted to escape was 1 of the following:

26 (i) A high-security or medium-security facility operated by
27 the family independence agency OR A COUNTY JUVENILE AGENCY.

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1 (ii) A high-security facility operated by a private agency
2 under contract with the family independence agency OR A COUNTY
3 JUVENILE AGENCY.

4 (d) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
5 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
6 ~~being sections 333.7401 and 333.7403 of the Michigan Compiled~~
7 ~~Laws~~ 1978 PA 368, MCL 333.7401 AND 333.7403.

8 (e) An attempt to commit a violation described in subdivi-
9 sions (a) to (d).

10 (f) Conspiracy to commit a violation described in subdivi-
11 sions (a) to (d).

12 (g) Solicitation to commit a violation described in subdivi-
13 sions (a) to (d).

14 (h) Any lesser included offense of an offense described in
15 subdivisions (a) to (g) if the juvenile is alleged in the peti-
16 tion to have committed an offense described in subdivisions (a)
17 to (g).

18 (i) Any other offense arising out of the same transaction as
19 an offense described in subdivisions (a) to (g) if the juvenile
20 is alleged in the petition to have committed an offense described
21 in subdivisions (a) to (g).

22 SEC. 2E. (1) THE COURT MAY ENTER INTO AN AGREEMENT WITH ANY
23 OR ALL DISTRICT COURTS OR MUNICIPAL COURTS WITHIN THE COURT'S
24 GEOGRAPHIC JURISDICTION TO WAIVE JURISDICTION OVER ANY OR ALL
25 CIVIL INFRACTIONS ALLEGED TO HAVE BEEN COMMITTED BY JUVENILES
26 WITHIN THE GEOGRAPHIC JURISDICTION OF THE DISTRICT COURT OR

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1 MUNICIPAL COURT. THE AGREEMENT SHALL SPECIFY FOR WHICH CIVIL
2 INFRACTIONS THE COURT WAIVES JURISDICTION.

3 (2) FOR A CIVIL INFRACTION WAIVED UNDER SUBSECTION (1) COM-
4 MITTED BY A JUVENILE ON OR AFTER THE EFFECTIVE DATE OF THE AGREE-
5 MENT, THE DISTRICT COURT OR MUNICIPAL COURT HAS JURISDICTION OVER
6 THE JUVENILE IN THE SAME MANNER AS IF AN ADULT HAD COMMITTED THE
7 CIVIL INFRACTION. THE COURT HAS JURISDICTION OVER JUVENILES WHO
8 COMMIT ANY OTHER CIVIL INFRACTION.

9 Sec. 8. The office of county agent is created. The county
10 agent ~~shall be~~ IS an officer of the court and under the general
11 supervision of the judges of the court and shall serve at their
12 pleasure. The county agent shall organize, direct and develop
13 the juvenile welfare work of the court as authorized by the
14 judge. When requested by the superintendent or director, the
15 county agent shall supervise juveniles released from public
16 institutions or agencies and may perform other juvenile welfare
17 work as requested and with the approval of the judge, including
18 services to school-age juveniles of the various school districts
19 within the county, after consultation and agreement with the
20 county school commissioner and the superintendents of schools in
21 a county. ~~The~~ WITH THE JUDGE'S APPROVAL, THE county agent or
22 HIS OR HER assistants shall ~~, with the approval of the judge,~~
23 ~~make investigations and reports~~ INVESTIGATE AND REPORT on juve-
24 niles or families within the county as requested by the family
25 independence agency, THE COUNTY JUVENILE AGENCY, or ~~by~~ the
26 superintendent of any state institution regarding the welfare of

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1 any juvenile. Assistant county agents shall perform the duties
2 assigned to them by the county agent.

3 Sec. 16. (1) If a juvenile under the age of 17 years is
4 taken into custody or detained, the juvenile shall not be con-
5 fined in any police station, prison, jail, lock-up, or reforma-
6 tory ~~—~~ or ~~be~~ transported with, or compelled or permitted to
7 associate or mingle with, criminal or dissolute persons.

8 However, except as otherwise provided in section 15(3), (4), and
9 (5) of this chapter, THE COURT MAY ORDER a juvenile 15 years of
10 age or older whose habits or conduct are considered a menace to
11 other juveniles, or who may not otherwise be safely detained,
12 ~~may, on order of the court, be~~ placed in a jail or other place
13 of detention for adults, but in a room or ward separate from
14 adults ~~—~~ and for ~~a period~~ not ~~to exceed~~ MORE THAN 30 days,
15 unless longer detention is necessary for the service of process.

16 (2) ~~Provision may be made by the~~ THE county board of com-
17 missioners in each county or of counties contracting together MAY
18 PROVIDE for the diagnosis, treatment, care, training, and deten-
19 tion of juveniles in a child care home ~~to be~~ OR FACILITY con-
20 ducted as an agency of the county if the home or facility meets
21 licensing standards established ~~by the family independence~~
22 ~~agency pursuant to subsection (5)~~ UNDER 1973 PA 116, MCL 722.111
23 TO 722.128. The court or a court approved agency may arrange for
24 the boarding of juveniles ~~by~~ IN any of the following:

25 (a) If a juvenile is within the court's jurisdiction under
26 section 2(a) of this chapter, ~~in~~ a suitable foster care home
27 subject to the court's supervision. If a juvenile is within the

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1 court's jurisdiction under section 2(b) of this chapter, the
2 court shall not place a juvenile in a foster care home subject to
3 the court's supervision.

4 (b) ~~In a~~ A child ~~care~~ CARING institution or child plac-
5 ing agency licensed by the ~~family independence agency~~
6 DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES to receive for care
7 juveniles within the COURT'S jurisdiction. ~~of the court.~~

8 (c) If in a room or ward ~~,~~ separate and apart from adult
9 criminals, ~~in~~ the county jail ~~in cases of~~ FOR juveniles over
10 17 years of age within the COURT'S jurisdiction. ~~of the court.~~

11 (3) If a detention home OR FACILITY is established as an
12 agency of the county, the judge may appoint a superintendent and
13 other necessary employees for the home OR FACILITY who shall
14 receive compensation as ~~shall be~~ provided by the county board
15 of commissioners of the county. This section does not alter or
16 diminish the legal responsibility of the family independence
17 agency OR A COUNTY JUVENILE AGENCY to receive juveniles committed
18 by the ~~probate courts~~ COURT.

19 (4) If the court under subsection (2) arranges for the board
20 of juveniles temporarily detained in private homes or in a child
21 ~~care~~ CARING institution or child placing agency, a reasonable
22 sum ~~,~~ to be fixed by the court ~~,~~ for ~~the~~ THEIR board ~~of~~
23 ~~the juveniles~~ shall be paid by the county treasurer ~~out of the~~
24 ~~general fund of the county~~ AS PROVIDED IN SECTION 25 OF THIS
25 CHAPTER.

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1 (5) A court shall not provide foster care home services
2 subject to the court's supervision to juveniles within section
3 2(b) of this chapter.

4 (6) A juvenile detention home described in subsection (3)
5 shall be operated under the direction of the county board of com-
6 missioners or, in a county that has an elected county executive,
7 under the COUNTY EXECUTIVE'S direction. ~~of the county~~
8 ~~executive.~~ However, a different method for directing the opera-
9 tion of a ~~youth~~ detention home may be agreed to in any county
10 by the chief judge of the circuit court in that county and the
11 county board of commissioners or, in a county that has an elected
12 county executive, the county executive.

13 Sec. 18. (1) If the court finds that a juvenile concerning
14 whom a petition is filed is not within this chapter, the court
15 shall enter an order dismissing the petition. Except as other-
16 wise provided in subsection (10), if the court finds that a juve-
17 nile is within this chapter, the court may enter any of the fol-
18 lowing orders of disposition that are appropriate for the welfare
19 of the juvenile and society in view of the facts proven and
20 ascertained:

21 (a) Warn the juvenile or the juvenile's parents, guardian,
22 or custodian and, except as provided in subsection (7), dismiss
23 the petition.

24 (b) Place the juvenile on probation, or under supervision in
25 the juvenile's own home or in the home of an adult who is related
26 to the juvenile. As used in this subdivision, "related" means
27 being a parent, grandparent, brother, sister, stepparent,

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1 stepsister, stepbrother, uncle, or aunt by marriage, blood, or
2 adoption. The court shall order the terms and conditions of pro-
3 bation or supervision, including reasonable rules for the conduct
4 of the parents, guardian, or custodian, if any, as the court
5 determines necessary for the physical, mental, or moral
6 well-being and behavior of the juvenile.

7 (c) If a juvenile is within the court's jurisdiction under
8 section 2(a) of this chapter, place the juvenile in a suitable
9 foster care home subject to the court's supervision. If a juve-
10 nile is within the court's jurisdiction under section 2(b) of
11 this chapter, the court shall not place a juvenile in a foster
12 care home subject to the court's supervision.

13 (d) ~~Place~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVI-
14 SION, PLACE the juvenile in or commit the juvenile to a private
15 institution or agency approved or licensed by the department of
16 consumer and industry services for the care of juveniles of simi-
17 lar age, sex, and characteristics. IF THE JUVENILE IS NOT A WARD
18 OF THE COURT, THE COURT SHALL COMMIT THE JUVENILE TO THE FAMILY
19 INDEPENDENCE AGENCY OR, IF THE COUNTY IS A COUNTY JUVENILE
20 AGENCY, TO THAT COUNTY JUVENILE AGENCY FOR PLACEMENT IN OR COM-
21 MITMENT TO SUCH AN INSTITUTION OR AGENCY AS THE FAMILY INDEPEN-
22 DENCE AGENCY OR COUNTY JUVENILE AGENCY DETERMINES IS MOST APPRO-
23 PRIATE, SUBJECT TO ANY INITIAL LEVEL OF PLACEMENT THE COURT
24 DESIGNATES.

25 (e) ~~Commit~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVI-
26 SION, COMMIT the juvenile to a public institution, county
27 facility, institution operated as an agency of the court or

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1 county, or agency authorized by law to receive juveniles of
2 similar age, sex, and characteristics. IF THE JUVENILE IS NOT A
3 WARD OF THE COURT, THE COURT SHALL COMMIT THE JUVENILE TO THE
4 FAMILY INDEPENDENCE AGENCY OR, IF THE COUNTY IS A COUNTY JUVENILE
5 AGENCY, TO THAT COUNTY JUVENILE AGENCY FOR PLACEMENT IN OR COM-
6 MITMENT TO SUCH AN INSTITUTION OR FACILITY AS THE FAMILY INDEPEN-
7 DENCE AGENCY OR COUNTY JUVENILE AGENCY DETERMINES IS MOST APPRO-
8 PRIATE, SUBJECT TO ANY INITIAL LEVEL OF PLACEMENT THE COURT
9 DESIGNATES. In a placement under subdivision (d) or a commitment
10 under this subdivision, except to a state institution OR A COUNTY
11 JUVENILE AGENCY INSTITUTION, the JUVENILE'S religious affiliation
12 ~~of the juvenile~~ shall be protected by placement or commitment
13 to a private child-placing or child-caring agency or institution,
14 if available. ~~In every~~ EXCEPT FOR COMMITMENT TO THE FAMILY
15 INDEPENDENCE AGENCY OR A COUNTY JUVENILE AGENCY, AN order of com-
16 mitment under this subdivision to a state institution or agency
17 described in the youth rehabilitation services act, 1974 PA 150,
18 MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to
19 400.214, the court shall name the superintendent of the institu-
20 tion to which the juvenile is committed as a special guardian to
21 receive benefits due the juvenile from the government of the
22 United States. ~~, and the~~ AN ORDER OF COMMITMENT UNDER THIS SUB-
23 DIVISION TO THE FAMILY INDEPENDENCE AGENCY OR A COUNTY JUVENILE
24 AGENCY SHALL NAME THAT AGENCY AS A SPECIAL GUARDIAN TO RECEIVE
25 THOSE BENEFITS. THE benefits RECEIVED BY THE SPECIAL GUARDIAN
26 shall be used to the extent necessary to pay for the portions of

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1 the cost of care in the institution OR FACILITY that the parent
2 or parents are found unable to pay.

3 (f) Provide the juvenile with medical, dental, surgical, or
4 other health care, in a local hospital if available, or else-
5 where, maintaining as much as possible a local physician-patient
6 relationship, and with clothing and other incidental items ~~as~~
7 the court ~~considers~~ DETERMINES ARE necessary.

8 (g) Order the parents, guardian, custodian, or any other
9 person to refrain from continuing conduct that the court deter-
10 mines has caused or tended to cause the juvenile to come within
11 or to remain under this chapter ~~—~~ or that obstructs placement
12 or commitment of the juvenile pursuant to an order under this
13 section.

14 (h) Appoint a guardian under section 424 of the revised pro-
15 bate code, 1978 PA 642, MCL 700.424, pursuant to a petition filed
16 with the court by a person interested in the JUVENILE'S welfare.
17 ~~of the juvenile.~~ If the court appoints a guardian pursuant to
18 this subdivision, it may ~~enter an order dismissing~~ DISMISS the
19 petition under this chapter.

20 (i) Order the juvenile to engage in community service.

21 (j) If the court finds that a juvenile has violated a munic-
22 ipal ordinance or a state or federal law, order the juvenile to
23 pay a civil fine in the amount of the civil or penal fine pro-
24 vided by the ordinance or law. Money collected from fines levied
25 under this subsection shall be distributed as provided in section
26 29 of this chapter.

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1 (k) Order the juvenile to pay court costs. Money collected
2 from costs ordered under this subsection shall be distributed as
3 provided in section 29 of this chapter.

4 (l) If a juvenile is within the court's jurisdiction under
5 section 2(a)(1) of this chapter, order the juvenile's parent or
6 guardian to personally participate in treatment reasonably avail-
7 able in the parent's or guardian's location.

8 (m) If a juvenile is within the court's jurisdiction under
9 section 2(a)(1) of this chapter, place the juvenile in and order
10 the juvenile to complete satisfactorily a program of training in
11 a juvenile boot camp established by the family independence
12 agency under the juvenile boot camp act, 1996 PA 263,
13 MCL 400.1301 to 400.1309, as provided in that act. IF THE COUNTY
14 IS A COUNTY JUVENILE AGENCY, HOWEVER, THE COURT SHALL COMMIT THE
15 JUVENILE TO THAT COUNTY JUVENILE AGENCY FOR PLACEMENT IN THE PRO-
16 GRAM UNDER THAT ACT. Upon receiving a report of satisfactory com-
17 pletion of the program from the family independence agency, the
18 court shall authorize the juvenile's release from placement in
19 the juvenile boot camp. Following satisfactory completion of the
20 juvenile boot camp program, the juvenile shall complete an addi-
21 tional period of not less than 120 days or more than 180 days of
22 intensive supervised community reintegration in the juvenile's
23 local community. To place OR COMMIT a juvenile ~~in a juvenile~~
24 ~~boot camp program~~ UNDER THIS SUBDIVISION, the court shall deter-
25 mine all of the following:

26 (i) Placement in a juvenile boot camp will benefit the
27 juvenile.

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1 (ii) The juvenile is physically able to participate in the
2 program.

3 (iii) The juvenile does not appear to have any mental handi-
4 cap that would prevent participation in the program.

5 (iv) The juvenile will not be a danger to other juveniles in
6 the boot camp.

7 (v) There is an opening in a juvenile boot camp program.

8 (vi) IF THE COURT MUST COMMIT THE JUVENILE TO A COUNTY JUVE-
9 NILE AGENCY, THE COUNTY JUVENILE AGENCY IS ABLE TO PLACE THE
10 JUVENILE IN A JUVENILE BOOT CAMP PROGRAM.

11 (n) If the court entered a judgment of conviction under sec-
12 tion 2d of this chapter, enter any disposition under this section
13 or, if the court determines that the best interests of the public
14 would be served, impose any sentence upon the juvenile that could
15 be imposed upon an adult convicted of the offense for which the
16 juvenile was convicted. If the juvenile is convicted of a viola-
17 tion or conspiracy to commit a violation of section 7401(2)(a)(i)
18 or 7403(2)(a)(i) of the public health code, 1978 PA 368,
19 MCL 333.7401 and 333.7403, the court may impose the alternative
20 sentence permitted under those sections if the court determines
21 that the best interests of the public would be served. The court
22 may delay imposing a sentence of imprisonment under this subdivi-
23 sion for a period not longer than the period during which the
24 court has jurisdiction over the juvenile under this chapter by
25 entering an order of disposition delaying imposition of sentence
26 and placing the juvenile on probation upon the terms and
27 conditions it considers appropriate, including any disposition

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1 under this section. If the court delays imposing sentence under
2 this section, section 18i of this chapter applies. If the court
3 imposes sentence, it shall enter a judgment of sentence. If the
4 court imposes a sentence of imprisonment, the juvenile shall
5 receive credit against the sentence for time served before
6 sentencing. In determining whether to enter an order of disposi-
7 tion or impose a sentence under this subdivision, the court shall
8 consider all of the following factors, giving greater weight to
9 the seriousness of the offense and the juvenile's prior record:

10 (i) The seriousness of the offense in terms of community
11 protection, including, but not limited to, the existence of any
12 aggravating factors recognized by the sentencing guidelines, the
13 use of a firearm or other dangerous weapon, and the impact on any
14 victim.

15 (ii) The JUVENILE'S culpability ~~of the juvenile~~ in commit-
16 ting the offense, including, but not limited to, the level of the
17 juvenile's participation in planning and carrying out the offense
18 and the existence of any aggravating or mitigating factors recog-
19 nized by the sentencing guidelines.

20 (iii) The juvenile's prior record of delinquency including,
21 but not limited to, any record of detention, any police record,
22 any school record, or any other evidence indicating prior delin-
23 quent behavior.

24 (iv) The juvenile's programming history, including, but not
25 limited to, the juvenile's past willingness to participate mean-
26 ingfully in available programming.

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1 (v) The adequacy of the punishment or programming available
2 in the juvenile justice system.

3 (vi) The dispositional options available for the juvenile.

4 (2) An order of disposition placing a juvenile in or commit-
5 ting a juvenile to care outside of the juvenile's own home and
6 under state, COUNTY JUVENILE AGENCY, or court supervision shall
7 contain a provision for reimbursement by the juvenile, parent,
8 guardian, or custodian to the court for the cost of care or
9 service. The order shall be reasonable, taking into account both
10 the income and resources of the juvenile, parent, guardian, or
11 custodian. The amount may be based upon the guidelines and model
12 schedule created under subsection (6). If the juvenile is
13 receiving an adoption support subsidy under section 115j(4) of
14 the social welfare act, 1939 PA 280, MCL 400.115j, the amount
15 shall not exceed the amount of the support subsidy. The reim-
16 bursement provision applies during the entire period the juvenile
17 remains in care outside of the juvenile's own home and under
18 state, COUNTY JUVENILE AGENCY, or court supervision, unless the
19 juvenile is in the permanent custody of the court. The court
20 shall provide for the collection of all amounts ordered to be
21 reimbursed ~~—~~ and the money collected shall be accounted for and
22 reported to the county board of commissioners. Collections to
23 cover delinquent accounts or to pay the balance due on reimburse-
24 ment orders may be made after a juvenile is released or dis-
25 charged from care outside the juvenile's own home and under
26 state, COUNTY JUVENILE AGENCY, or court supervision. Twenty-five
27 percent of all amounts collected pursuant to an order entered

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1 under this subsection shall be credited to the appropriate fund
2 of the county to offset the administrative cost of collections.
3 The balance of all amounts collected under an order entered under
4 this subsection shall be divided in the same ratio in which the
5 county, state, and federal government participate in the cost of
6 care outside the juvenile's own home and under state, COUNTY
7 JUVENILE AGENCY, or court supervision. The court may also col-
8 lect benefits paid for the cost of care of a court ward from the
9 government of the United States. Money collected for juveniles
10 placed BY THE COURT with or committed to the family independence
11 agency OR A COUNTY JUVENILE AGENCY shall be accounted for and
12 reported on an individual juvenile basis. In cases of delinquent
13 accounts, the court may also enter an order to intercept state or
14 federal tax refunds of a juvenile, parent, guardian, or custodian
15 and initiate the necessary offset proceedings in order to recover
16 the cost of care or service. The court shall send to the person
17 who is the subject of the intercept order advance written notice
18 of the proposed offset. The notice shall include notice of the
19 opportunity to contest the offset on the grounds that the inter-
20 cept is not proper because of a mistake of fact concerning the
21 amount of the delinquency or the identity of the person subject
22 to the order. The court shall provide for the prompt reimburse-
23 ment of an amount withheld in error or an amount found to exceed
24 the delinquent amount.

25 (3) An order of disposition placing a juvenile in the
26 juvenile's own home under subsection (1)(b) may contain a
27 provision for reimbursement by the juvenile, parent, guardian, or

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1 custodian to the court for the cost of service. If an order is
2 entered under this subsection, an amount due shall be determined
3 and treated in the same manner provided for an order entered
4 under subsection (2).

5 (4) An order directed to a parent or a person other than the
6 juvenile is not effective and binding on the parent or other
7 person unless opportunity for hearing is given ~~pursuant to~~ BY
8 issuance of summons or notice as provided in sections 12 and 13
9 of this chapter ~~—~~ and until a copy of the order, bearing the
10 seal of the court, is served on the parent or other person as
11 provided in section 13 of this chapter.

12 (5) If the court appoints an attorney to represent a juve-
13 nile, parent, guardian, or custodian, the court may require in an
14 order entered under this section that the juvenile, parent,
15 guardian, or custodian reimburse the court for attorney fees.

16 (6) The office of the state court administrator, under the
17 supervision and direction of the supreme court and in consulta-
18 tion with the family independence agency and the Michigan probate
19 judges association, shall create guidelines and a model schedule
20 ~~that~~ THE COURT may ~~be used by the court~~ USE in determining
21 the ability of the juvenile, parent, guardian, or custodian to
22 pay for care and any costs of service ordered under subsection
23 (2) or (3). The guidelines and model schedule shall take into
24 account both the income and resources of the juvenile, parent,
25 guardian, or custodian.

26 (7) If the court finds that a juvenile comes under section
27 30 of this chapter, the court shall order the juvenile or the

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1 juvenile's parent to pay restitution as provided in sections 30
2 and 31 of this chapter and in sections 44 and 45 of the crime
3 victim's rights act, 1985 PA 87, MCL 780.794 and 780.795.

4 (8) If the court imposes restitution as a condition of pro-
5 bation, the court shall require the juvenile to do either of the
6 following as an additional condition of probation:

7 (a) Engage in community service or, with the victim's con-
8 sent, perform services for the victim.

9 (b) Seek and maintain paid employment and pay restitution to
10 the victim from the earnings of that employment.

11 (9) If the court finds that the juvenile is in intentional
12 default of the payment of restitution, a court may, as provided
13 in section 31 of this chapter, revoke or alter the terms and con-
14 ditions of probation for nonpayment of restitution. If a juve-
15 nile who is ordered to engage in community service intentionally
16 refuses to perform the required community service, the court may
17 revoke or alter the terms and conditions of probation.

18 (10) ~~For the purposes of this subsection and~~
19 ~~subsection (11), "juvenile offense" means that term as defined in~~
20 ~~section 1a of 1925 PA 289, MCL 28.241a.~~ The court shall not
21 enter an order of disposition for a juvenile offense AS DEFINED
22 IN SECTION 1A OF 1925 PA 289, MCL 28.241A, OR A JUDGMENT OF SEN-
23 TENCE FOR A CONVICTION until the court has examined the court
24 file and has determined that the juvenile's fingerprints have
25 been taken as required by section 3 of 1925 PA 289, MCL 28.243.
26 If a juvenile has not had his or her fingerprints taken, the
27 court shall do either of the following:

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1 (a) Order the juvenile to submit himself or herself to the
2 police agency that arrested or obtained the warrant for the
3 JUVENILE'S arrest ~~of the juvenile~~ so the juvenile's finger-
4 prints can be taken.

5 (b) Order the juvenile committed to the SHERIFF'S custody
6 ~~of the sheriff~~ for ~~the~~ taking ~~of~~ the juvenile's
7 fingerprints.

8 (11) Upon FINAL disposition, CONVICTION, ACQUITTAL, or dis-
9 missal of ~~a juvenile~~ AN offense WITHIN THE COURT'S JURISDICTION
10 UNDER SECTION 2(A)(1) OF THIS CHAPTER, the clerk of the court
11 entering the FINAL disposition, CONVICTION, ACQUITTAL, or dis-
12 missal shall immediately advise the department of state police of
13 ~~the~~ THAT FINAL disposition, CONVICTION, ACQUITTAL, or dismissal
14 on forms approved by the state court administrator, AS REQUIRED
15 BY SECTION 3 OF 1925 PA 289, MCL 28.243. The report to the
16 department of state police shall include information as to the
17 finding of the judge or jury and a summary of the disposition OR
18 SENTENCE imposed.

19 (12) If the court enters an order of disposition based on an
20 act that is a juvenile offense as defined in section 1 of 1989
21 PA 196, MCL 780.901, the court shall order the juvenile to pay
22 the assessment as provided in that act. If the court enters a
23 judgment of conviction under section 2d of this chapter for an
24 offense that is a felony, serious misdemeanor, or specified mis-
25 demeanor as defined in section 1 of 1989 PA 196, MCL 780.901, the
26 court shall order the juvenile to pay the assessment as provided
27 in that act.

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1 (13) If the court has entered an order of disposition OR A
2 JUDGMENT OF CONVICTION for a listed offense as defined in section
3 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,
4 the court, ~~or~~ the family independence agency, OR THE COUNTY
5 JUVENILE AGENCY shall register the juvenile or accept the
6 juvenile's registration as provided in the sex offenders regis-
7 tration act, 1994 PA 295, MCL 28.721 to 28.732.

8 (14) If the court enters an order of disposition placing a
9 juvenile in a juvenile boot camp program, OR COMMITTING A JUVE-
10 NILE TO A COUNTY JUVENILE AGENCY FOR PLACEMENT IN A JUVENILE BOOT
11 CAMP PROGRAM, and the court receives from the family independence
12 agency a report that the juvenile has failed to perform satisfac-
13 torily in the program, ~~or a report~~ that the juvenile does not
14 meet the program's requirements or is medically unable to partic-
15 ipate in the program for more than 25 days, ~~or a report~~ that
16 there is ~~not an~~ NO opening in a juvenile boot camp program, OR
17 THAT THE COUNTY JUVENILE AGENCY IS UNABLE TO PLACE THE JUVENILE
18 IN A JUVENILE BOOT CAMP PROGRAM, the court shall release the
19 juvenile from placement ~~in the juvenile boot camp~~ OR COMMITMENT
20 and enter an alternative order of disposition. A juvenile shall
21 not be placed in a juvenile boot camp pursuant to an order of
22 disposition more than once, except that a juvenile returned to
23 the court for a medical condition, ~~or~~ because there was ~~not~~
24 ~~an~~ NO opening in a juvenile boot camp program, OR BECAUSE THE
25 COUNTY JUVENILE AGENCY WAS UNABLE TO PLACE THE JUVENILE IN A
26 JUVENILE BOOT CAMP PROGRAM may be placed again in the juvenile
27 boot camp program after the medical condition is corrected, ~~or~~

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1 an opening becomes available, ~~in a juvenile boot camp program~~
2 OR THE COUNTY JUVENILE AGENCY IS ABLE TO PLACE THE JUVENILE.

3 (15) The court shall not impose a sentence of imprisonment
4 in the county jail under subsection (1)(n) unless the present
5 county jail facility for the JUVENILE'S imprisonment ~~of the~~
6 ~~juvenile~~ would meet all requirements under federal law and regu-
7 lations for housing juveniles. ~~, and the~~ THE court shall not
8 impose the sentence until it consults with the sheriff to deter-
9 mine when the sentence will begin to ensure that space will be
10 available for the juvenile.

11 Sec. 18a. ~~Where~~ IF desirable or necessary, the court may
12 place ~~the child~~ A WARD OF THE COURT in or commit ~~the child~~ A
13 WARD OF THE COURT to a private institution or agency incorporated
14 under the laws of another state and approved or licensed by that
15 state's department of social welfare, or the equivalent approving
16 or licensing agency, for the care of children of similar age,
17 sex, and characteristics. ~~Any order committing a child to such~~
18 ~~an out-of-state institution made prior to the effective date of~~
19 ~~this section which is otherwise valid is hereby validated from~~
20 ~~the date of its entry.~~

21 Sec. 18k. (1) An individual convicted of or found responsi-
22 ble for a violation of section 91, 316, or 317 OF THE MICHIGAN
23 PENAL CODE, 1931 PA 328, MCL 750.91, 750.316, AND 750.317, or a
24 violation or attempted violation of section 349, 520b, 520c,
25 520d, 520e, or 520g OF THAT ACT, MCL 750.349, 750.520B, 750.520C,
26 750.520D, 750.520E, AND 750.520G, shall provide samples for
27 chemical testing for DNA identification profiling or a

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1 determination of the sample's genetic markers and shall provide
2 samples for chemical testing for a determination of his or her
3 secretor status. However, if at the time the individual is con-
4 victed of or found responsible for the violation the investigat-
5 ing law enforcement agency, the department of state police, ~~or~~
6 the family independence agency, OR THE COUNTY JUVENILE AGENCY
7 already has a sample from the individual that meets the require-
8 ments of the rules promulgated under the DNA identification pro-
9 filing system act, ~~Act No. 250 of the Public Acts of 1990, being~~
10 ~~sections 28.171 to 28.176 of the Michigan Compiled Laws~~ 1990 PA
11 250, MCL 28.171 TO 28.176, the individual is not required to pro-
12 vide another sample.

13 (2) The investigating law enforcement agency shall provide
14 for collecting the samples required to be provided under
15 subsection (1) in a medically approved manner by qualified per-
16 sons using supplies provided by the department of state police
17 and shall forward those samples and any samples described in
18 subsection (1) that were already in the agency's possession to
19 the department of state police. The collecting and forwarding of
20 samples shall be done in the manner required under the rules
21 promulgated under the DNA identification profiling system act,
22 ~~Act No. 250 of the Public Acts of 1990~~ 1990 PA 250, MCL 28.171
23 TO 28.176.

24 (3) The family independence agency or ~~an~~ A COUNTY JUVENILE
25 AGENCY, investigating law enforcement agency, prosecuting agency,
26 or court that has in its possession a DNA identification profile
27 obtained from a sample of an individual convicted of or found

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1 responsible for an offense described in subsection (1) shall
2 forward the DNA identification profile to the department of state
3 police at or before the time the court imposes sentence or enters
4 an order of disposition upon that conviction or finding of
5 responsibility unless the department of state police already has
6 a DNA identification profile of the individual.

7 (4) As used in this section:

8 (a) "DNA identification profile" and "DNA identification
9 profiling" mean those terms as defined in section 2 of the DNA
10 identification profiling system act, ~~Act No. 250 of the Public~~
11 ~~Acts of 1990, being section 28.172 of the Michigan Compiled Laws~~
12 1990 PA 250, MCL 28.172.

13 (b) "Investigating law enforcement agency" means the law
14 enforcement agency responsible for the investigation of the
15 offense for which the individual is convicted or found
16 responsible.

17 (c) "Sample" means a portion of an individual's blood,
18 saliva, or tissue collected from the individual.

19 Sec. 25. (1) ~~Expenses~~ EXCEPT AS OTHERWISE PROVIDED BY
20 LAW, EXPENSES incurred in carrying out this chapter ~~, except as~~
21 ~~may otherwise be specifically provided by law,~~ shall be paid
22 upon the COURT'S order ~~of the judge of probate~~ by the county
23 treasurer from the COUNTY'S general fund. ~~of the county.~~

24 (2) A COUNTY THAT IS A COUNTY JUVENILE AGENCY SHALL PAY
25 EXPENSES FOR COUNTY JUVENILE AGENCY SERVICES INCURRED IN CARRYING
26 OUT THIS CHAPTER FROM THE BLOCK GRANT DISTRIBUTED UNDER
27 SECTION 117A OF THE SOCIAL WELFARE ACT, 1939 PA 280, MCL

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1 400.117A, AND OTHER FUNDS MADE AVAILABLE FOR THAT PURPOSE AND IS
2 NOT OBLIGATED UNDER SUBSECTION (1) TO PAY FOR JUVENILE JUSTICE
3 SERVICES OTHER THAN COUNTY JUVENILE AGENCY SERVICES AS REQUIRED
4 BY SECTION 117A OF THE SOCIAL WELFARE ACT. AS USED IN THIS SUB-
5 SECTION, "COUNTY JUVENILE AGENCY SERVICES" AND "JUVENILE JUSTICE
6 SERVICE" MEAN THOSE TERMS AS DEFINED IN SECTION 117A OF THE
7 SOCIAL WELFARE ACT.

8 Sec. 28. (1) Before June 1, 1988, the court shall maintain
9 records of all cases brought before it and as provided in the
10 juvenile diversion act. ~~, Act No. 13 of the Public Acts of 1988,~~
11 ~~being sections 722.821 to 722.831 of the Michigan Compiled Laws.~~
12 The records shall be open only by COURT order ~~of the court~~ to
13 persons having a legitimate interest, except that diversion
14 records shall be open only as provided in ~~Act No. 13 of the~~
15 ~~Public Acts of 1988~~ THE JUVENILE DIVERSION ACT.

16 (2) Beginning June 1, 1988, the court shall maintain records
17 of all cases brought before it and as provided in ~~Act No. 13 of~~
18 ~~the Public Acts of 1988~~ THE JUVENILE DIVERSION ACT. Except as
19 otherwise provided in this subsection, records of a case brought
20 before the court shall be open to the general public. Diversion
21 records shall be open only as provided in ~~Act No. 13 of the~~
22 ~~Public Acts of 1988~~ THE JUVENILE DIVERSION ACT. Except as oth-
23 erwise provided in section 49 of the crime victim's rights act,
24 ~~Act No. 87 of the Public Acts of 1985, being section 780.799 of~~
25 ~~the Michigan Compiled Laws~~ 1985 PA 87, MCL 780.799, if the hear-
26 ing of a case brought before the court is closed under section 17
27 of this chapter, the records of that hearing shall be open only

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1 by COURT order ~~of the court~~ to persons having a legitimate
2 interest.

3 (3) If the court issues an order in respect to payments by a
4 parent under section 18(2) of this chapter, a copy shall be
5 mailed to the department of treasury. Action taken against par-
6 ents or adults shall not be released for publicity unless the
7 parents or adults are ~~adjudged~~ FOUND guilty of contempt of
8 court. The court shall furnish the family independence agency
9 AND A COUNTY JUVENILE AGENCY with reports of the administration
10 of the court in a form recommended by the Michigan association of
11 probate and juvenile court judges. Copies of these reports
12 shall, upon request, be made available to other state departments
13 by the family independence agency.

14 (4) As used in ~~subsections (1) and (2)~~, "~~persons~~" THIS
15 SECTION:

16 (A) "JUVENILE DIVERSION ACT" MEANS THE JUVENILE DIVERSION
17 ACT, 1988 PA 13, MCL 722.821 TO 722.831.

18 (B) "PERSONS having a legitimate interest" includes a member
19 of a local foster care review board established under ~~Act~~
20 ~~No. 422 of the Public Acts of 1984, being sections 722.131 to~~
21 ~~722.140 of the Michigan Compiled Laws~~ 1984 PA 422, MCL 722.131
22 TO 722.139A.

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

26 (a) Senate Bill No. 1183.

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- 1 (b) Senate Bill No. 1184.
- 2 (c) Senate Bill No. 1185.
- 3 (d) Senate Bill No. 1186.
- 4 (e) Senate Bill No. 1196.
- 5 (f) Senate Bill No. 1197.