



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

JUVENILE GANG ACT

House Bill 4736

Sponsor: Rep. Belda Garza

Committee: Criminal Law and Corrections

Complete to 11-6-00

A SUMMARY OF HOUSE BILL 4736 AS INTRODUCED 5-27-99

The bill would create a new act, the "juvenile gang act," that would create a "juvenile gang board" in the Department of Attorney General to address the issue of juvenile gang violence in Michigan.

Board members. The bill would create a 19-member board consisting of the following members:

- ** the attorney general (or his or her representative), who would chair the board;
- ** the directors (or their representatives) of the Departments of State Police and Community Health, and of the Family Independence Agency;
- ** three people (two of whom were at least 21 years old and one who was younger than 21) representing the interests of the public;
- ** a police officer who performed patrol or investigative functions and who wasn't a supervisor;
- ** a representative of alternative education professionals;
- ** a representative of the Michigan Probate Judges Association;
- ** a representative of the Michigan Council on Crime and Delinquency;
- ** a representative of the University of Michigan Center for the Study of Youth Policy;
- ** a representative of the Boys and Girls Clubs of America--Midwest Region;
- ** a county prosecuting attorney;
- ** an individual appointed by the president or chairperson of the Detroit Urban League;
- ** an individual appointed by the Detroit National Association for the Advancement of Colored People (NAACP);
- ** an individual appointed by the Wolverine Bar Association; and

** the chief judges of Detroit's Recorder's Court and the Wayne County Court Juvenile Division.

Except for the attorney general, the department directors, and the Detroit Urban League, NAACP, Wolverine Bar Association appointees, and the chief judges, members would be appointed by the governor, with the advice and consent of the Senate. Members would have to be appointed within thirty days after the act took effect and would be appointed for two-year terms. The governor could remove board members for good cause. Vacancies would be filled in the same manner as the original appointment. Board members would serve without compensation, though they could be reimbursed for their actual and necessary expenses in performing their official duties as board members.

Board structure, meetings, and records. The attorney general would chair the juvenile gang board, which could elect from its members any other officers it considered necessary or appropriate. The board would be required to meet within 60 days after the bill took effect. A majority of members would constitute a quorum for transacting business. The board's business would have to be conducted at public meetings held in compliance with the Open Meetings Act, and its records would be subject to the Freedom of Information Act.

Funding and the juvenile gang fund. The juvenile gang board would be funded as provided by appropriation, and would be able to solicit contributions from public and private entities for the "juvenile gang fund" created by the bill as a separate fund in the state treasury. The state treasurer would be required to credit to the fund all money received under the bill, and to invest fund money just as other state surplus funds are invested. Earnings from the fund would be credited to the fund, which could be spent only as provided in the bill.

Board duties. The juvenile gang board would be required to do all of the following:

- (1) Collect data about the incidence of juvenile gang violence in Michigan;
- (2) Investigate the causes of juvenile gang violence in Michigan and determine whether programs exist or could be developed to address those causes;
- (3) Determine whether funding sources other than the juvenile gang fund existed to support public and private efforts to address juvenile gang violence and notify public and private entities that ask about the availability of those funds;
- (4) Solicit funds from public and private entities for contribution to the juvenile gang fund;
- (5) Accept applications from public and private entities for funding programs to address juvenile gang violence in Michigan;
- (6) Distribute money from the juvenile gang fund to qualified entities (see below); and
- (7) Before January 1 of each year, provide a written report of its activities to the governor, the Secretary of the Senate, and the Clerk of the House of Representatives.

Program grants and loans. Public or private entities could apply to the juvenile gang board, on a form prescribed by the board, for funds to operate one or more programs that addressed juvenile gang violence in Michigan. If the board determined that it was appropriate to disburse funds under the bill, in the form of grants or loans, to entities that had properly applied for funds, it could direct the state treasurer in writing to disburse funds from the juvenile gang fund. The juvenile gang board would be required to consider all of the following in determining whether to disburse funds:

- ** Whether the program would effectively address a cause of juvenile gang violence;
- ** Whether the applicant could effectively carry out the program;
- ** Whether other programs existed or could be created that also addressed or would more effectively address a cause of juvenile gang violence;
- ** The likelihood of the program's success; and
- ** Other criteria considered relevant by the board.

Effective date. The bill would take effect on January 1, 2000.

Analyst: W. Flory

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.