

# HOUSE BILL No. 5240

November 4, 2003, Introduced by Rep. Julian and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11, 13, and 14 of chapter II (MCL 762.11, 762.13, and 762.14), section 11 as amended by 1993 PA 293, section 13 as amended by 2002 PA 483, and section 14 as amended by 1994 PA 286.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER II

1  
2       Sec. 11. (1) ~~If~~ **Except as provided in subsection (2), if**  
3 an individual pleads guilty to a ~~charge of a~~ criminal offense,  
4 ~~other than a felony for which the maximum punishment is life~~  
5 ~~imprisonment, a major controlled substance offense, or a traffic~~  
6 ~~offense,~~ committed on or after the individual's seventeenth  
7 birthday but before his or her twenty-first birthday, the court  
8 of record having jurisdiction of the criminal offense may,

1 without entering a judgment of conviction and with the consent of  
2 that individual, consider and assign that individual to the  
3 status of youthful trainee.

4 (2) Subsection (1) does not apply to any of the following:

5 (a) A felony for which the maximum penalty is imprisonment  
6 for life.

7 (b) A major controlled substance offense.

8 (c) A traffic offense.

9 (d) Second-degree or third-degree criminal sexual conduct,  
10 other than a violation of section 520c(1)(b) or 520d(1)(a) of the  
11 Michigan penal code, 1931 PA 328, MCL 750.520c and 750.520d.

12 (3) As used in this section, "traffic offense" means a  
13 violation of the Michigan vehicle code, ~~Act No. 300 of the~~  
14 ~~Public Acts of 1949, being sections 257.1 to 257.923 of the~~  
15 ~~Michigan Compiled Laws 1949 PA 300, MCL 257.1 to 257.923~~, or a  
16 violation of a local ordinance substantially corresponding to  
17 that act, that involves the operation of a vehicle and, at the  
18 time of the violation, is a felony or a misdemeanor.

19 Sec. 13. (1) If an individual is assigned to the status of  
20 a youthful trainee and the underlying charge is an offense  
21 punishable by imprisonment for a term of more than 1 year, the  
22 court shall do 1 of the following:

23 (a) Commit the individual to the department of corrections  
24 for custodial supervision and training for not more than 3 years  
25 in an institutional facility designated by the department for  
26 that purpose.

27 (b) Place the individual on probation for not more than 3

1 years subject to probation conditions as provided in section 3 of  
2 chapter XI.

3 (c) Commit the individual to the county jail for not more  
4 than 1 year.

5 (2) If an individual is assigned to the status of youthful  
6 trainee and the underlying charge is for an offense punishable by  
7 imprisonment for 1 year or less, the court shall place the  
8 individual on probation for not more than 2 years, subject to  
9 probation conditions as provided in section 3 of chapter XI.

10 (3) An individual placed on probation pursuant to this  
11 section shall be under the supervision of a probation officer.  
12 Upon commitment to and receipt by the department of corrections,  
13 a youthful trainee shall be subject to the direction of the  
14 department of corrections.

15 (4) If an individual is committed to the county jail under  
16 subsection (1)(c) or as a probation condition, the court may  
17 authorize work release or release for educational purposes.

18 (5) The court shall include in each order of probation for an  
19 individual placed on probation under this section that the  
20 department of corrections shall collect a probation supervision  
21 fee of not more than \$135.00 multiplied by the number of months  
22 of probation ordered, but not more than 36 months. The fee is  
23 payable when the probation order is entered, but the fee may be  
24 paid in monthly installments if the court approves installment  
25 payments for that probationer. In determining the amount of the  
26 fee, the court shall consider the probationer's projected income  
27 and financial resources. The court shall use the following table

1 of projected monthly income in determining the amount of the fee  
2 to be ordered:

3	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
4	\$ 0-249.99	\$ 0.00
5	\$ 250.00-499.99	\$10.00
6	\$ 500.00-749.99	\$25.00
7	\$ 750.00-999.99	\$40.00
8	\$1,000.00 or more	5% of projected
9		monthly income, but
10		not more than \$135.00
11	The court may order a higher amount than indicated by the table,	
12	up to the maximum of \$135.00 multiplied by the number of months	
13	of probation ordered but not more than 36 months, if the court	
14	determines that the probationer has sufficient assets or other	
15	financial resources to warrant the higher amount. If the court	
16	orders a higher amount, the amount and the reasons for ordering	
17	that amount shall be stated in the court order. The fee shall be	
18	collected as provided in section 25a of the corrections code of	
19	1953, 1953 PA 232, MCL 791.225a. A person shall not be subject	
20	to more than 1 supervision fee at the same time. If a	
21	supervision fee is ordered for a person for any month or months	

1 during which that person already is subject to a supervision fee,  
2 the court shall waive the fee having the shorter remaining  
3 duration.

4 (6) If the individual is assigned to youthful trainee status  
5 **before January 1, 2004** for a listed offense enumerated in section  
6 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,  
7 the department of corrections, sheriff or his or her designee, or  
8 the individual's probation officer shall register the individual  
9 or accept the individual's registration as provided under that  
10 act.

11 Sec. 14. (1) If consideration of an individual as a  
12 youthful trainee is not terminated and the status of youthful  
13 trainee is not revoked as provided in section 12 of this chapter,  
14 upon final release of the individual from the status as youthful  
15 trainee, the court shall discharge the individual and dismiss the  
16 proceedings.

17 (2) An assignment of an individual to the status of youthful  
18 trainee as provided in this chapter is not a conviction for a  
19 crime and, except as provided in subsection (3), the individual  
20 assigned to the status of youthful trainee shall not suffer a  
21 civil disability or loss of right or privilege following his or  
22 her release from that status because of his or her assignment as  
23 a youthful trainee.

24 (3) An individual assigned to youthful trainee status **before**  
25 **January 1, 2004** for a listed offense enumerated in section 2 of  
26 the sex offenders registration act, **1994 PA 295, MCL 28.722**, is  
27 required to comply with the requirements of that act.

1           (4) Unless the court enters a judgment of conviction against  
2 the individual for the criminal offense under section 12 of this  
3 chapter, all proceedings regarding the disposition of the  
4 criminal charge and the individual's assignment as youthful  
5 trainee shall be closed to public inspection, but shall be open  
6 to the courts of this state, the department of corrections, the  
7 department of social services, and law enforcement personnel for  
8 use only in the performance of their duties.

9           Enacting section 1. This amendatory act takes effect  
10 January 1, 2004.

11           Enacting section 2. This amendatory act does not take  
12 effect unless House Bill No. 4920 of the 92nd Legislature is  
13 enacted into law.