

# HOUSE BILL No. 6446

September 11, 2008, Introduced by Rep. Condino and referred to the Committee on  
Judiciary.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 11 of chapter II (MCL 762.11), as amended by  
2004 PA 239.

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

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CHAPTER II

Sec. 11. (1) Except as provided in subsections (2) and (3), if  
an individual pleads guilty to a criminal offense, committed on or  
after the individual's seventeenth birthday but before his or her  
twenty-first birthday, the court of record having jurisdiction of  
the criminal offense may, without entering a judgment of conviction  
and with the consent of that individual, consider and assign that

1 individual to the status of youthful trainee.

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

3 (a) A felony for which the maximum penalty is imprisonment for  
4 life.

5 (b) A major controlled substance offense.

6 ~~(c) A traffic offense.~~

7 (C) ~~(d)~~ A violation, attempted violation, or conspiracy to  
8 violate section 520b, 520c, 520d, or 520e of the Michigan penal  
9 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520e,  
10 other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal  
11 code, 1931 PA 328, MCL 750.520d and 750.520e.

12 (D) ~~(e)~~ A violation, attempted violation, or conspiracy to  
13 violate section 520g of the Michigan penal code, 1931 PA 328, MCL  
14 750.520g, with the intent to commit a violation of section 520b,  
15 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL  
16 750.520b, 750.520c, 750.520d, and 750.520e, other than section  
17 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328,  
18 MCL 750.520d and 750.520e.

19 (3) The court shall not assign an individual to the status of  
20 youthful trainee if any of the following apply:

21 (a) The individual was previously convicted of or adjudicated  
22 for a listed offense for which registration is required under the  
23 sex offenders registration act, 1994 PA 295, MCL 28.721 to ~~28.732~~  
24 **28.736**.

25 (b) If the individual is charged with a listed offense for  
26 which registration is required under the sex offenders registration  
27 act, 1994 PA 295, MCL 28.721 to ~~28.732~~ **28.736**, the individual fails

1 to carry the burden of proving by clear and convincing evidence  
2 that he or she is not likely to engage in further listed offenses.

3 (c) The court determines that the offense involved any of the  
4 following:

5 (i) A factor set forth in section 520b(1) (a) to (h) of the  
6 Michigan penal code, 1931 PA 328, MCL 750.520b.

7 (ii) A factor set forth in section 520c(1) (a) to (l) of the  
8 Michigan penal code, 1931 PA 328, MCL 750.520c.

9 (iii) A factor set forth in section 520d(1) (b) to ~~(e)~~ **(F)** of the  
10 Michigan penal code, 1931 PA 328, MCL 750.520d.

11 (iv) A factor set forth in section 520e(1) (b) to ~~(f)~~ **(G)** of the  
12 Michigan penal code, 1931 PA 328, MCL 750.520e.

13 (4) As used in this section, +

14 ~~—— (a) "Listed~~ **"LISTED** offense" means that term as defined in  
15 section 2 of the sex offenders registration act, 1994 PA 295, MCL  
16 28.722.

17 ~~—— (b) "Traffic offense" means a violation of the Michigan~~  
18 ~~vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of~~  
19 ~~a local ordinance substantially corresponding to that act, that~~  
20 ~~involves the operation of a vehicle and, at the time of the~~  
21 ~~violation, is a felony or a misdemeanor.~~