

## HOLMES YOUTHFUL TRAINEE ACT: REVISE ELIGIBILITY CRITERIA

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### House Bill 4206

Sponsor: Rep. Harvey Santana

Committee: Criminal Justice

Complete to 11-11-14

### A REVISED SUMMARY OF HOUSE BILL 4206 AS INTRODUCED 2-7-13

The Department of Corrections describes the Holmes Youthful Trainee Act as a state law that *allows a judge to place a youth between 17 and 20 who is alleged to have committed a crime and who has pleaded guilty to that crime to be placed in prison or on probation without a conviction to avoid a criminal record. Excluded from this program are youth who are charged with a felony for which the maximum punishment is life imprisonment, a major controlled substance offense or a traffic offense. This action protects the privacy of the offender while on trainee status. If the youth successfully completes the program, there is no criminal record. Imprisonment or probation cannot exceed three years.*

House Bill 4206 would amend the section of the Code of Criminal Procedure known as the Holmes Youthful Trainee Act to do the following:

- ❖ Expand eligibility so that it applies to youths between 17 and 25 years of age.
- ❖ During the probationary period, require the youth to:
  - Maintain full-time employment (40 hours per week minimum or be a full-time student (high school or equivalency program, college, trade school) plus perform eight hours of community service per week; **or**,
  - Perform at least 40 hours per week of community service while actively seeking full-time employment or entry into a full-time educational program as described above; **and**,
  - If the offense had been committed on or after the youthful offender's 21<sup>st</sup> birthday, require the trainee to wear an electronic tether, at the trainee's own cost. (If the trainee's household income was below 200 percent of the federal poverty level, the cost would be lowered to no more than one hour of the state minimum wage for each 24-hour period of monitoring.)
- ❖ Require compliance with the above to be verified monthly by a probation officer.
- ❖ Require the community service to be meaningful work at paid employment in the community; provide labor on public works projects; or provide meaningful work on projects serving the public interest or a charitable purpose which are operated by a 501(c)(3) organization. Projects that would result in the displacement of employed persons in the community or the replacement of workers on strike or

locked out of work would be excluded. A collective bargaining unit must agree to a trainee's assignment before the assignment is made if the site of a proposed work project has a collective bargaining agreement in effect.

MCL 762.11

**FISCAL IMPACT:**

Under the bill, there would be an indeterminate amount of savings to the state's correctional system. The amount of savings would depend on the number of offenders actually diverted from prison sentences to Holmes Youthful Trainee Act probation terms. The average cost of prison incarceration in a state facility is roughly \$35,600 per prisoner per year, a figure that includes various fixed administrative and operational costs. Also, there could be additional community supervision costs depending on the increased number of offenders diverted to probation terms. Costs for probation supervision average about \$3,600 per supervised offender per year.

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■ 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.