



Senate Fiscal Agency
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House Bill 4206 (Substitute H-5 as reported without amendment)

Sponsor: Representative Harvey Santana

House Committee: Criminal Justice

Senate Committee: Judiciary

CONTENT

The bill would amend the Holmes Youthful Trainee Act within the Code of Criminal Procedure to do the following:

- Allow a court to grant youthful trainee status to a person if the crime were committed before his or her 24th birthday, rather than before his or her 21st birthday.
- Provide that a youthful trainee who committed the underlying crime on or after his or her 21st birthday, but before his or her 24th birthday, could be subject to electronic monitoring during his or her term of probation.
- Allow a court to require a person assigned to youthful trainee status to maintain employment or to attend a school.

Under the Act, if an individual pleads guilty to a criminal offense committed on or after his or her 17th birthday but before his or her 21st birthday, the court may, without entering a judgment of conviction and with the individual's consent, consider and assign that individual to youthful trainee status. The court may not assign a person to youthful trainee status for a felony for which the maximum punishment is life imprisonment, a major controlled substance offense, a traffic offense, or, with certain exceptions, a criminal sexual conduct offense. (The Act's provisions also apply to a person over 14 years of age who is charged with a felony if jurisdiction has been waived to a court of general criminal jurisdiction.) If a person's youthful trainee status is not terminated or revoked, the court must discharge the person and dismiss the proceedings upon final release from youthful trainee status.

MCL 762.11

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could result in savings to the State's corrections budget. The amount of savings would be contingent upon the number of offenders diverted from prison sentences to Holmes Youthful Trainee Act probation. In 2013, for the approximately 43,700 prisoners incarcerated in the State, about 13% or 5,700 were between 21 and 24 years of age. Depending on the type of offense committed, there would be a potential for increased diversions from prison, which could reduce the total number of prisoners and increase the number of individuals placed on probation or committed to a county jail. Currently, for felony convictions, in the short term, the marginal cost to State government is approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to State government is approximately \$31,100 per additional prisoner per year. Since diversions for felony and misdemeanor offenses would not necessarily increase the number of cases, costs to local courts and law enforcement could be unchanged.

Date Completed: 12-10-14

Fiscal Analyst: John Maxwell