

Legislative Analysis



JUVENILES: SENTENCING AND WAIVING TO ADULT COURT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4955 as introduced
Sponsor: Rep. Harvey Santana

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4956 as introduced
Sponsor: Rep. Vanessa Guerra

Committee: Criminal Justice
Complete to 11-25-15

SUMMARY:

House Bills 4955 and 4956 are tie-barred to each other and change the criteria used by a court when determining whether to sentence a juvenile as an adult or a juvenile and whether to waive certain juveniles to adult criminal court. The bills take effect 90 days after enactment. The bills are part of the legislative package to reform juvenile justice. Other bills in the package include HB 4947-4954 and 4957-4966. (See the summaries of those bills for background information.)

House Bill 4955 amends the Code of Criminal Procedure (MCL 769.1). Some crimes require a court to sentence a juvenile in the same manner as an adult. For other crimes, a judge must conduct a hearing at the time of sentencing to determine, by a preponderance of the evidence, if the best interests of the public would be served by placing the juvenile on probation and committing the juvenile to an institution or agency described in the Youth Rehabilitation Services Act or by imposing any other sentence provided by law for an adult offender. In making the determination, a judge in the Family Division must consider certain listed factors and *give greater weight to the seriousness of the alleged offense and the juvenile's prior record of delinquency*. The bill deletes the highlighted text.

House Bill 4956 amends the Probate Code to make a similar change as above when a judge is considering criteria in making a determination whether to waive a juvenile 14 years of age or older to adult criminal court. (MCL 712A.4)

FISCAL IMPACT:

Corrections. As introduced, House Bills 4955 and 4956 could result in a savings to the state Department of Corrections. The amount of savings is indeterminate and would depend solely on judicial discretion and case outcomes. It is anticipated that fewer 17-year olds would be sentenced to prison, meaning a savings to the Department of Corrections. The number of 17-year olds that would not be sentenced to prison is not known. Therefore, it is not possible to assign an amount of savings to be achieved.

DHHS and Counties. House Bills 4955 and 4956 could increase costs to the Department of Health and Human Services (DHHS) and to local county governments. By eliminating the requirement that judges consider the seriousness of the alleged offense and the juvenile's prior delinquency history more heavily than other factors when sentencing, the bill's provisions may result in additional juveniles being directed to treatment and services within the juvenile justice system than under current law. Any increase in costs to DHHS and county governments would depend upon on how many additional juveniles would now be placed under DHHS or local court supervision through judicial discretion in the disposition of their cases and what placements or services might be ordered by the court.

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