

Legislative Analysis



JUVENILES TRIED AS ADULTS: REQUIRE ANNUAL REPORT

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House Bill 4963 as reported by committee
Sponsor: Rep. Robert L. Kosowski
Committee: Criminal Justice
Complete to 4-25-16

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

SUMMARY:

The bill adds a new section to the Code of Criminal Procedure to require the State Court Administrator to develop and provide an annual report to the Legislature regarding juveniles less than 18 years of age tried as adults for criminal offenses in adult criminal court in the same manner as adults (MCL 760.1m, proposed). The report will be issued electronically and must include, but not be limited to, the following information:

- The number of juveniles prosecuted as adults in adult court for a felony, misdemeanor, or traffic offense and if convicted, the sentence entered by the court.
- The number of motions under Section 4 of the Probate Code by the prosecutor of each county to transfer juvenile matters from a probate court to an adult criminal court.
- For those juveniles tried for felonies or misdemeanors in adult criminal court, whether those individuals were represented by counsel, and if so, whether the counsel was appointed or retained.
- The rate of recidivism for juveniles tried for felonies or misdemeanors in adult criminal court in the same manner as adults.

Demographic and geographic data for each juvenile tried for a felony or misdemeanor criminal offense in an adult criminal court in the same manner as an adult must be included in the report and would include, but not be limited to, the juvenile's custody status and custody history if the juvenile was in the legal custody of an individual other than a biological parent at any time before incarceration, and the juvenile's educational and school history including schools attended, grades completed, and suspensions or expulsions.

BRIEF DISCUSSION OF THE ISSUES:

This is an often understudied and under-monitored population. The data and subsequent analysis of that data can yield important information that can help shape policies and implementation of policies affecting youth to 18 years of age who are tried in adult court as adults and placed under the jurisdiction of the Michigan Department of Corrections. A comparison of recidivism rates with similarly aged youth adjudicated in the juvenile justice system could be insightful in future discussions regarding best practices in addressing juvenile offenders. (Note: The bill is part of the legislative package to reform juvenile justice. Other bills in the package include HB 4947-4962 and 4964-4966. See the analyses of those bills for additional background information.)

FISCAL IMPACT:

As introduced, House Bill 4963 would have an indeterminate fiscal impact on the state and on local court funding units. Costs would depend on the amount of staff time it would take for each local court to collect the required data and submit it to SCAO, and then on how much staff time it would take for SCAO to compile the data and prepare and distribute the report. Also, it is likely that the Department of Corrections would have to assist SCAO with data collection and compilation.

POSITIONS:

The following entities expressed *support* for the bill:

Michigan Council on Crime and Delinquency
ACLU of Michigan
Hope Network
Michigan Catholic Conference
Michigan United
Governors' Committee on Juvenile Justice
Michigan Legislative Black Caucus
Family Advisory Board, Family Participation Program
First Unitarian Universalist Church of Ann Arbor
Coalition Against Mass Incarceration
Michigan's Children
Michigan Probate Judges Association (in concept)
National Association of Social Workers-MI
Citizens Alliance on Prisons & Public Spending (CAPPS)
A.R.R.O. (Advocacy, Reentry, Resources, & Outreach)
Criminal Defense Attorneys of Michigan (in concept)
Citizens for Prison Reform
American Friends Service Committee

The Michigan Department of Corrections is *neutral* on the bill.

The following entities expressed *opposition* to the bill:

Michigan Association of Counties
Ottawa County
Livingston County
Wayne County
Prosecuting Attorney Association of Michigan

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.