

HOUSE BILL No. 4949

October 7, 2015, Introduced by Reps. Pagel, Chang, Santana, Kosowski, Webber, Byrd, Robinson, Geiss, Gay-Dagnogo, Greig, Yanez, Darany, Forlini, Lucido, Howrylak, LaVoy, Durhal, Rutledge, Irwin, Neeley, Hovey-Wright, Plawecki, Moss, Love, Callton and Zemke and referred to the Committee on Criminal Justice.

A bill to amend 1988 PA 13, entitled
"Juvenile diversion act,"
by amending sections 2 and 8 (MCL 722.822 and 722.828), section 2
as amended by 1996 PA 415.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Assaultive crime" means an offense that, if committed by
3 an adult, would constitute an offense against a person described in
4 section 82, 83, 84, 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350,
5 397, 520b, 520c, 520d, 520e, 520g, 529, 529a, or 530 of the
6 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931, being~~
7 ~~sections 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,~~
8 ~~750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,~~
9 ~~750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,~~

1 ~~750.529a, and 750.530 of the Michigan Compiled Laws.1931 PA 328,~~
2 **MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,**
3 **750.316, 750.317, 750.321, 750.349, 750.349A, 750.350, 750.397,**
4 **750.520B, 750.520C, 750.520D, 750.520E, 750.520G, 750.529,**
5 **750.529A, AND 750.530.**

6 (b) "Court" means the family division of circuit court.

7 (c) "Divert" or "diversion" means the placement that occurs
8 when a formally recorded apprehension is made by a law enforcement
9 agency for an act by a minor that if a petition were filed with the
10 court would bring that minor within section 2(a) of chapter XIIIA of
11 ~~Act No. 288 of the Public Acts of 1939, being section 712A.2 of the~~
12 ~~Michigan Compiled Laws,~~ **THE PROBATE CODE OF 1939, 1939 PA 288, MCL**
13 **712A.2,** and instead of petitioning the court or authorizing a
14 petition, either of the following occurs:

15 (i) The minor is released into the custody of his or her
16 parent, guardian, or custodian and the investigation is
17 discontinued.

18 (ii) The minor and the minor's parent, guardian, or custodian
19 agree to work with a person or public or private organization or
20 agency that will assist the minor and the minor's family in
21 resolving the problem that initiated the investigation.

22 (d) "Law enforcement agency" means a police department of a
23 city, village, or township, a sheriff's department, the department
24 of state police, or any other governmental law enforcement agency
25 in this state.

26 (e) "Minor" means an individual less than ~~17~~**18** years of age.

27 Sec. 8. (1) Except as otherwise required in subsection (2), a

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record required to be kept under this act shall be open only by order of the court to ~~persons having~~ **A PERSON WHO HAS** a legitimate interest.

(2) A record required to be kept under this act shall be open to a law enforcement agency or court intake worker for only the purpose of deciding whether to divert a minor.

(3) A minor's record kept under this act shall be destroyed within 28 days after the minor becomes ~~17-18~~ years of age.

Enacting section 1. This amendatory act takes effect [October 1, 2018.]

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 98th Legislature are enacted into law:

(a) Senate Bill No. _____ or House Bill No. 4947 (request no. 02527'15).

(b) Senate Bill No. _____ or House Bill No. 4948 (request no. 02551'15).

(c) Senate Bill No. _____ or House Bill No. 4950 (request no. 02679'15).

(d) Senate Bill No. _____ or House Bill No. 4953 (request no. 02681'15).

(e) Senate Bill No. _____ or House Bill No. 4951 (request no. 02682'15).

[

(f)] Senate Bill No. _____ or House Bill No. 4954 (request no. 03363'15).

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- 1 [(g)] Senate Bill No. _____ or House Bill No. 4952 (request no.
- 2 03366'15).