

HOUSE BILL No. 5324

February 9, 2016, Introduced by Reps. Irwin, Robinson, Plawecki, Pagan and Hovey-Wright
and referred to the Committee on Criminal Justice.

A bill to amend 1988 PA 73, entitled
"The juvenile facilities act,"
by amending sections 2 and 4 (MCL 803.222 and 803.224), as amended
by 1998 PA 521.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "County juvenile agency" means that term as defined in
3 section 2 of the county juvenile agency act, **1998 PA 518, MCL**
4 **45.622.**

5 (b) "Department" means the ~~family independence~~
6 ~~agency.~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

7 (c) "Juvenile" means a person within the jurisdiction of the
8 family division of the circuit court under section 2(a) of chapter
9 XIIA of 1939 PA 288, MCL 712A.2, or, **UNTIL THE EFFECTIVE DATE OF**
10 **THE AMENDATORY ACT THAT REPEALED SECTION 606 OF THE REVISED**

1 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.606, within the
2 jurisdiction of the circuit court under section 606 of the revised
3 judicature act of 1961, 1961 PA 236, MCL 600.606.

4 (d) "Juvenile facility" means a county facility, an
5 institution operated as an agency of the county or the family
6 division of circuit court, or an institution or agency described in
7 the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to
8 803.309, to which a juvenile has been committed under section
9 18(1)(e) of chapter XIIA of 1939 PA 288, MCL 712A.18, or under
10 section 27a of chapter IV or section 1 of chapter IX of the code of
11 criminal procedure, 1927 PA 175, MCL 764.27a and 769.1.

12 Sec. 4. (1) ~~If~~ **UNTIL THE EFFECTIVE DATE OF THE AMENDATORY ACT**
13 **THAT REPEALED SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961,**
14 **1961 PA 236, MCL 600.606, IF** a juvenile within the jurisdiction of
15 the circuit court under section 606 of the revised judicature act
16 of 1961, 1961 PA 236, MCL 600.606, is committed to a juvenile
17 facility pending trial, the department or county juvenile agency,
18 as applicable, shall inquire into the juvenile's antecedents,
19 character, and circumstances and shall report in writing to the
20 court before the juvenile's sentencing.

21 (2) A report prepared under subsection (1) shall include all
22 of the following:

23 (a) An evaluation of and a prognosis for the juvenile's
24 adjustment in the community based on factual information contained
25 in the report.

26 (b) A recommendation as to whether the juvenile is more likely
27 to be rehabilitated by the services and facilities available in

1 adult programs and procedures than in juvenile programs and
2 procedures.

3 (c) A recommendation as to what disposition is in the best
4 interests of the public welfare and the protection of the public
5 security.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

8 Enacting section 2. This amendatory act does not take effect
9 unless Senate Bill No. _____ or House Bill No. 5317 (request no.
10 02924'15) of the 98th Legislature is enacted into law.