

HOUSE BILL No. 5933

September 22, 2016, Introduced by Rep. Webber and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 29, 30, and 31 of chapter XIIA (MCL 712A.29, 712A.30, and 712A.31), section 29 as amended by 2003 PA 74 and sections 30 and 31 as amended by 1996 PA 561.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XIIA

Sec. 29. (1) If a child is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same order of disposition, money collected from that child, or his or her parent or parents, for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in this section.

(2) Except as otherwise provided in this subsection, if a

1 child is subject to payment of victim payments and any combination
2 of other fines, costs, assessments, or other payments, 50% of the
3 money collected from that child, or his or her parent or parents,
4 shall be applied to payment of victim payments, and the balance
5 shall be applied to payment of fines, costs, and other assessments
6 or payments. If fines, costs, or other assessments or payments
7 remain unpaid after all victim payments have been paid, additional
8 money collected shall be applied to payment of those fines, costs,
9 or other assessments or payments. If victim payments remain unpaid
10 after all fines, costs, or other assessments or payments have been
11 paid, additional money collected shall be applied toward payment of
12 those victim payments.

13 (3) In cases involving orders of disposition for offenses that
14 would be violations of state law if committed by an adult, money
15 allocated under subsection (2) for payment of fines, costs, and
16 assessments or payments other than victim payments shall be applied
17 in the following order of priority:

18 (a) Payment of the minimum state cost prescribed in section 1j
19 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
20 769.1j.

21 (b) Payment of other costs.

22 (c) Payment of fines.

23 (d) Payment of assessments and other payments.

24 (4) In cases involving orders of disposition for offenses that
25 would be violations of local ordinances if committed by an adult,
26 money allocated under subsection (2) for payment of fines, costs,
27 and assessments or payments other than victim payments shall be

1 applied in the following order of priority:

2 (a) Payment of the minimum state cost prescribed in section 1j
3 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
4 769.1j.

5 (b) Payment of fines and other costs.

6 (c) Payment of assessments and other payments.

7 (5) Money allocated for payment of costs under subsection (3)
8 shall be paid to the county treasurer for deposit in the general
9 fund of the county. Money allocated for payment of fines under
10 subsection (3) shall be paid to the county treasurer to be used for
11 library purposes as provided by law.

12 (6) One-third of the money allocated for payment of fines and
13 costs under subsection (4) shall be paid to the treasurer of the
14 political subdivision whose ordinance was violated, and 2/3 of that
15 money shall be paid to the county treasurer for deposit in the
16 general fund of the county.

17 (7) As used in this section, "victim payment" means
18 restitution ordered under sections 30 and 31 and under the **WILLIAM**
19 **VAN REGENMORTER** crime victim's rights act, 1985 PA 87, MCL 780.751
20 to 780.834, paid to the victim or the victim's estate, but not to a
21 person who reimbursed the victim for his or her loss, or an
22 assessment ordered under section 5 of 1989 PA 196, MCL 780.905.

23 Sec. 30. (1) For purposes of this section and section 31:

24 **(A) "COURSE OF CONDUCT" MEANS ALL OF THE FOLLOWING:**

25 **(i) EACH OFFENSE FOR WHICH THE JUVENILE IS ADJUDICATED.**

26 **(ii) EACH OFFENSE CHARGED AGAINST THE JUVENILE THAT IS**

27 **DISMISSED AS PART OF A PLEA AGREEMENT.**

1 **(iii) EACH OFFENSE FOR WHICH THE JUVENILE COULD HAVE BEEN**
 2 **CHARGED BY THE PROSECUTING ATTORNEY BUT WAS NOT CHARGED.**

3 **(B)** ~~(a)~~—"Juvenile offense" means a violation by a juvenile of
 4 a penal law of this state or a violation by a juvenile of an
 5 ordinance of a local unit of government of this state punishable by
 6 imprisonment or by a fine that is not a civil fine.

7 **(C)** ~~(b)~~—"Victim" means an individual who suffers direct or
 8 threatened physical, financial, or emotional harm as a result of
 9 ~~the commission of a juvenile offense.~~ **JUVENILE'S COURSE OF CONDUCT.**
 10 For purposes of subsections (2), (3), (6), (8), (9), and (13) **ONLY,**
 11 victim includes a sole proprietorship, partnership, corporation,
 12 association, governmental entity, or other legal entity that
 13 suffers direct physical or financial harm as a result of the
 14 ~~commission of a juvenile offense.~~ **JUVENILE'S COURSE OF CONDUCT.**

15 (2) Except as provided in subsection (8), at the dispositional
 16 hearing for a juvenile offense, the court shall order, in addition
 17 to or in lieu of any other disposition authorized by law, that the
 18 juvenile make full restitution to any victim of the juvenile's
 19 course of conduct ~~that gives rise to the disposition~~ or to the
 20 victim's estate.

21 (3) If a juvenile offense results in damage to or loss or
 22 destruction of property of a victim of the juvenile offense, or
 23 results in the seizure or impoundment of property of a victim of
 24 the juvenile offense, the order of restitution ~~may~~ **SHALL** require
 25 that the juvenile do 1 or more of the following, as applicable:

26 (a) Return the property to the owner of the property or to a
 27 person designated by the owner.

1 (B) IF DAMAGED PERSONAL OR REAL PROPERTY CAN BE REPAIRED TO
2 RESTORE THE PROPERTY TO ITS CONDITION BEFORE THE JUVENILE'S COURSE
3 OF CONDUCT, PAY AN AMOUNT EQUAL TO THE REPAIR COST. ONE OR MORE
4 REPAIR ESTIMATES MAY BE USED AS A BASIS FOR RESTITUTION.

5 (C) ~~(b)~~—If return of the property under subdivision (a) is
6 impossible, impractical, or inadequate, **OR IF REPAIR OF THE**
7 **PROPERTY UNDER SUBDIVISION (B) IS IMPOSSIBLE, IMPRACTICAL, OR**
8 **INADEQUATE**, pay an amount equal to the greater of subparagraph (i)
9 or (ii), less the value, determined as of the date the property is
10 returned, of that property or any part of the property that is
11 returned:

12 (i) The **FAIR MARKET** value of the property on the date of the
13 damage, loss, or destruction. **HOWEVER, IF THE FAIR MARKET VALUE OF**
14 **THE PROPERTY CANNOT BE DETERMINED OR IS IMPRACTICAL TO ASCERTAIN,**
15 **THEN THE REPLACEMENT VALUE OF THE PROPERTY SHALL BE UTILIZED IN**
16 **LIEU OF THE FAIR MARKET VALUE.**

17 (ii) The **FAIR MARKET** value of the property on the date of
18 disposition. **HOWEVER, IF THE FAIR MARKET VALUE OF THE PROPERTY**
19 **CANNOT BE DETERMINED OR IS IMPRACTICAL TO ASCERTAIN, THEN THE**
20 **REPLACEMENT VALUE OF THE PROPERTY SHALL BE UTILIZED IN LIEU OF THE**
21 **FAIR MARKET VALUE.**

22 (D) ~~(e)~~—Pay the costs of the seizure or impoundment, or both.

23 (4) If a juvenile offense results in physical or psychological
24 injury to a victim, the order of restitution ~~may~~**SHALL** require that
25 the juvenile do 1 or more of the following, as applicable:

26 (a) Pay an amount equal to the **REASONABLY DETERMINED** cost of
27 ~~actual~~—medical and related professional services and devices

1 **ACTUALLY INCURRED AND REASONABLY EXPECTED TO BE INCURRED** relating
2 to physical and psychological care.

3 (b) Pay an amount equal to the **REASONABLY DETERMINED** cost of
4 ~~actual~~ physical and occupational therapy and rehabilitation
5 **ACTUALLY INCURRED AND REASONABLY EXPECTED TO BE INCURRED.**

6 (c) Reimburse the victim or the victim's estate for after-tax
7 income loss suffered by the victim as a result of the juvenile
8 offense.

9 (d) Pay an amount equal to the **REASONABLY DETERMINED** cost of
10 psychological and medical treatment for members of the victim's
11 family ~~that has been~~ **ACTUALLY INCURRED OR REASONABLY EXPECTED TO BE**
12 incurred as a result of the juvenile offense.

13 (e) Pay an amount equal to the **REASONABLY DETERMINED** costs of
14 ~~actual~~ homemaking and child care expenses **ACTUALLY INCURRED OR**
15 **REASONABLY EXPECTED TO BE** incurred as a result of the juvenile
16 offense **FOR THAT HOMEMAKING AND CHILD CARE, BASED ON THE RATES IN**
17 **THE AREA FOR COMPARABLE SERVICES.**

18 (F) **PAY AN AMOUNT EQUAL TO THE COST OF ACTUAL FUNERAL AND**
19 **RELATED SERVICES.**

20 (G) **IF THE DECEASED VICTIM COULD BE CLAIMED AS A DEPENDENT BY**
21 **HIS OR HER PARENT OR GUARDIAN ON THE PARENT'S OR GUARDIAN'S**
22 **FEDERAL, STATE, OR LOCAL INCOME TAX RETURNS, PAY AN AMOUNT EQUAL TO**
23 **THE LOSS OF THE TAX DEDUCTION OR TAX CREDIT. THE AMOUNT OF**
24 **REIMBURSEMENT SHALL BE ESTIMATED FOR EACH YEAR THE VICTIM COULD**
25 **REASONABLY BE CLAIMED AS A DEPENDENT.**

26 (H) **PAY AN AMOUNT EQUAL TO INCOME ACTUALLY LOST BY THE SPOUSE,**
27 **PARENT, SIBLING, CHILD, OR GRANDPARENT OF THE VICTIM BECAUSE THE**

1 FAMILY MEMBER LEFT HIS OR HER EMPLOYMENT, TEMPORARILY OR
2 PERMANENTLY, TO CARE FOR THE VICTIM BECAUSE OF THE INJURY.

3 (5) If a juvenile offense resulting in bodily injury also
4 results in the death of a victim ~~, the order of restitution may~~
5 ~~require that the juvenile pay an amount equal to the cost of actual~~
6 ~~funeral and related services.~~ **OR SERIOUS IMPAIRMENT OF A BODY**
7 **FUNCTION OF A VICTIM, THE COURT MAY ORDER UP TO 3 TIMES THE AMOUNT**
8 **OF RESTITUTION OTHERWISE ALLOWED UNDER THIS SECTION. AS USED IN**
9 **THIS SUBSECTION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION OF A**
10 **VICTIM" INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE**
11 **FOLLOWING:**

- 12 (A) LOSS OF A LIMB OR USE OF A LIMB.
13 (B) LOSS OF A HAND OR FOOT OR USE OF A HAND OR FOOT.
14 (C) LOSS OF AN EYE OR USE OF AN EYE OR EAR.
15 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.
16 (E) SERIOUS VISIBLE DISFIGUREMENT.
17 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.
18 (G) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.
19 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.
20 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.
21 (J) LOSS OF A BODY ORGAN.

22 (6) If ~~the~~ **A** victim or victim's estate consents, the order of
23 restitution may require that the juvenile make restitution in
24 services in lieu of money.

25 (7) If ~~the~~ **A** victim is deceased **OR DIES**, the court shall order
26 that the restitution **OR REMAINING RESTITUTION** be made to the
27 victim's estate.

1 (8) The court shall order restitution to the crime victims
2 ~~compensation board~~ **SERVICES COMMISSION** or to any individuals,
3 partnerships, corporations, associations, governmental entities, or
4 any other legal entities that have compensated ~~the~~ **A** victim or
5 victim's estate for a loss incurred by the victim to the extent of
6 the compensation paid for that loss. The court shall also order
7 restitution, for the costs of services provided, to persons or
8 entities that have provided services to ~~the~~ **A** victim as a result of
9 the juvenile offense. Services that are subject to restitution
10 under this subsection include, but are not limited to, shelter,
11 food, clothing, and transportation. However, an order of
12 restitution shall require that all restitution to a victim or
13 victim's estate under the order be made before any restitution to
14 any other person or entity under that order is made. The court
15 shall not order restitution to be paid to a victim or victim's
16 estate if the victim or victim's estate has received or is to
17 receive compensation for that loss, and the court shall state on
18 the record with specificity the reasons for its actions. If an
19 entity entitled to restitution under this subsection for
20 compensating the victim or the victim's estate cannot or refuses to
21 be reimbursed for that compensation, the restitution paid for that
22 entity shall be deposited by the state treasurer in the crime
23 victim's rights fund created under section 4 of ~~Act No. 196 of the~~
24 ~~Public Acts of 1989, being section 780.904 of the Michigan Compiled~~
25 ~~Laws, 1989 PA 196, MCL 780.904,~~ or its successor fund.

26 (9) Any amount paid to a victim or victim's estate under an
27 order of restitution shall be set off against any **IDENTICAL** amount

1 later recovered as compensatory damages by the victim or the
2 victim's estate in any federal or state civil proceeding and shall
3 reduce the amount payable to a victim or ~~a victim's estate by an~~
4 award from the crime ~~victims compensation board~~ **VICTIM SERVICES**
5 **COMMISSION** made after an order of restitution under this section.

6 (10) If not otherwise provided by the court under this
7 subsection, restitution shall be made immediately. However, the
8 court may require that the juvenile make restitution under this
9 section within a specified period or in specified installments.

10 (11) If the juvenile is placed on probation, any restitution
11 ordered under this section shall be a condition of that probation.
12 The court may revoke probation if the juvenile ~~fails to comply with~~
13 ~~the order and if the juvenile has not~~ **COMPLIED OR** made a good faith
14 effort to comply with the order. In determining whether to revoke
15 probation, the court shall consider the juvenile's employment
16 status, earning ability, and financial resources, the willfulness
17 of the juvenile's failure to pay, and any other special
18 circumstances that may have a bearing on the juvenile's ability to
19 pay.

20 (12) ~~A~~ **SUBJECT TO SUBSECTION (18)**, juvenile who is required to
21 pay restitution and who is not in willful default of the payment of
22 the restitution may at any time petition the court to modify the
23 method of payment. If the court determines that payment under the
24 order will impose a manifest hardship on the juvenile or his or her
25 immediate family, **AND IF THE COURT ALSO DETERMINES THAT MODIFYING**
26 **THE METHOD OF PAYMENT WILL NOT IMPOSE A MANIFEST HARDSHIP ON THE**
27 **VICTIM**, the court may modify the method of payment.

1 (13) An order of restitution entered under this section
2 remains effective until it is satisfied in full. An order of
3 restitution is a judgment and lien against all property of the
4 individual ordered to pay restitution for the amount specified in
5 the order of restitution. The lien may be recorded as provided by
6 law. An order of restitution may be enforced by the prosecuting
7 attorney, a victim, a victim's estate, or any other person or
8 entity named in the order to receive the restitution in the same
9 manner as a judgment in a civil action or a lien.

10 (14) Notwithstanding any other provision of this section, a
11 juvenile shall not be detained for a violation of probation~~7~~ or
12 otherwise~~7~~ for failure to pay restitution as ordered under this
13 section unless the court determines that the juvenile has the
14 resources to pay the ordered restitution and has not made a ~~good~~
15 ~~faith~~**GOOD-FAITH** effort to do so.

16 (15) If the court determines that the juvenile is or will be
17 unable to pay all of the restitution ordered **TO A PERSON OTHER THAN**
18 **HIS OR HER PARENT**, after notice to the juvenile's parent **OR PARENTS**
19 and an opportunity for the parent **OR PARENTS** to be heard, the court
20 may order the parent or parents having supervisory responsibility
21 for the juvenile at the time of the acts upon which an order of
22 restitution is based to pay any portion of the restitution ordered
23 that is outstanding. An order under this subsection does not
24 relieve the juvenile of his or her obligation to pay restitution **AS**
25 **ORDERED**, but the amount owed by the juvenile shall be offset by any
26 amount paid by his or her parent. As used in this subsection,
27 "parent" does not include a foster parent.

1 (16) If the court orders a parent to pay restitution under
2 subsection (15), the court shall take into account the **PARENT'S**
3 financial resources ~~of the parent~~ and the burden that the payment
4 of restitution will impose, with due regard to any other moral or
5 legal financial obligations ~~that~~ the parent may have. If a parent
6 is required to pay restitution under subsection (15), the court
7 shall provide for payment to be made in specified installments and
8 within a specified period of time.

9 (17) A parent who has been ordered to pay restitution under
10 subsection (15) may petition the court for a modification of the
11 amount of restitution owed by the parent or for a cancellation of
12 any unpaid portion of the parent's obligation. The court shall
13 cancel all or part of the parent's obligation due if the court
14 determines that payment of the amount due will impose a manifest
15 hardship on the parent **AND IF THE COURT ALSO DETERMINES THAT**
16 **MODIFYING PAYMENT WILL NOT IMPOSE A MANIFEST HARDSHIP ON THE**
17 **VICTIM.**

18 (18) In each case in which payment of restitution is ordered
19 as a condition of probation, the **COURT SHALL ORDER ANY EMPLOYED**
20 **JUVENILE TO MAKE REGULARLY SCHEDULED RESTITUTION PAYMENTS. IF THE**
21 **JUVENILE MISSES 2 OR MORE REGULARLY SCHEDULED PAYMENTS, THE COURT**
22 **SHALL ORDER THE JUVENILE TO EXECUTE A WAGE ASSIGNMENT TO PAY THE**
23 **RESTITUTION. THE** juvenile caseworker or probation officer assigned
24 to the case shall review the case not less than twice yearly to
25 ensure that restitution is being paid as ordered. **IF THE**
26 **RESTITUTION WAS ORDERED TO BE MADE WITHIN A SPECIFIC PERIOD OF**
27 **TIME, THE JUVENILE CASEWORKER OR PROBATION OFFICER ASSIGNED TO THE**

1 **CASE SHALL REVIEW THE CASE AT THE END OF THE SPECIFIC PERIOD OF**
2 **TIME TO DETERMINE IF THE RESTITUTION HAS BEEN PAID IN FULL.** The
3 final review shall be conducted not less than 60 days before the
4 ~~expiration of the probationary period~~ **EXPIRES.** If the juvenile
5 caseworker or probation officer determines **AT ANY REVIEW THAT** the
6 restitution is not being paid as ordered, the juvenile caseworker
7 or probation officer shall file a written report of the violation
8 with the court on a form prescribed by the state court
9 administrative office **OR SHALL PETITION THE COURT FOR A PROBATION**
10 **VIOLATION.** The report **OR PETITION** shall include a statement of the
11 amount of the arrearage, and any reasons for the arrearage that are
12 known by the juvenile caseworker or probation officer. The juvenile
13 caseworker or probation officer shall immediately provide a copy of
14 the report to the prosecuting attorney. If a **PETITION OR** motion is
15 filed or other proceedings are initiated to enforce payment of
16 restitution and the court determines that restitution is not being
17 paid or has not been paid as ordered by the court, the court shall
18 promptly take action necessary to compel compliance.

19 (19) If the court determines that an individual who is ordered
20 to pay restitution under this section is remanded to the
21 jurisdiction of the department of corrections, the court shall
22 provide a copy of the order of restitution to the department of
23 corrections when the court determines that the individual is
24 remanded to the department's jurisdiction.

25 **(20) THE COURT SHALL NOT IMPOSE A FEE ON A VICTIM, VICTIM'S**
26 **ESTATE, OR PROSECUTING ATTORNEY FOR ENFORCING AN ORDER OF**
27 **RESTITUTION.**

1 (21) IF A PERSON OR ENTITY ENTITLED TO RESTITUTION UNDER THIS
2 SECTION CANNOT BE LOCATED, REFUSES TO CLAIM THE RESTITUTION WITHIN
3 2 YEARS AFTER THE DATE ON WHICH HE OR SHE COULD HAVE CLAIMED THE
4 RESTITUTION, OR REFUSES TO ACCEPT THE RESTITUTION, THE RESTITUTION
5 TO WHICH THAT PERSON OR ENTITY IS ENTITLED SHALL BE DEPOSITED IN
6 THE CRIME VICTIM'S RIGHTS FUND CREATED UNDER SECTION 4 OF 1989 PA
7 196, MCL 780.904, OR ITS SUCCESSOR FUND. HOWEVER, A PERSON OR
8 ENTITY ENTITLED TO THAT RESTITUTION MAY CLAIM THAT RESTITUTION ANY
9 TIME BY APPLYING TO THE COURT THAT ORIGINALLY ORDERED AND COLLECTED
10 IT. THE COURT SHALL NOTIFY THE CRIME VICTIM SERVICES COMMISSION OF
11 THE APPLICATION AND THE COMMISSION SHALL APPROVE A REDUCTION IN THE
12 COURT'S REVENUE TRANSMITTAL TO THE CRIME VICTIM'S RIGHTS FUND EQUAL
13 TO THE RESTITUTION OWED TO THE PERSON OR ENTITY. THE COURT SHALL
14 USE THE REDUCTION TO REIMBURSE THAT RESTITUTION TO THE PERSON OR
15 ENTITY.

16 (22) THE COURT MAY AMEND AN ORDER OF RESTITUTION ENTERED UNDER
17 THIS SECTION ON A MOTION BY THE PROSECUTING ATTORNEY, THE VICTIM,
18 OR THE DEFENDANT BASED UPON NEW INFORMATION RELATED TO THE INJURY,
19 DAMAGES, OR LOSS FOR WHICH THE RESTITUTION WAS ORDERED.

20 (23) A COURT THAT RECEIVES NOTICE THAT A DEFENDANT WHO HAS AN
21 OBLIGATION TO PAY RESTITUTION UNDER THIS SECTION HAS DECLARED
22 BANKRUPTCY SHALL FORWARD A COPY OF THAT NOTICE TO THE PROSECUTING
23 ATTORNEY. THE PROSECUTING ATTORNEY SHALL FORWARD THE NOTICE TO THE
24 VICTIM AT THE VICTIM'S LAST KNOWN ADDRESS.

25 (24) IF THE VICTIM IS A MINOR, THE ORDER OF RESTITUTION SHALL
26 REQUIRE THE DEFENDANT TO PAY TO A PARENT OF THE VICTIM AN AMOUNT
27 THAT IS DETERMINED TO BE REASONABLE FOR ANY OF THE FOLLOWING THAT

1 ARE ACTUALLY INCURRED OR REASONABLY EXPECTED TO BE INCURRED BY THE
2 PARENT AS A RESULT OF THE CRIME:

3 (A) **HOMEMAKING AND CHILD CARE EXPENSES.**

4 (B) **INCOME LOSS NOT ORDERED TO BE PAID UNDER SUBSECTION (4) (H) .**

5 (C) **MILEAGE.**

6 (D) **LODGING OR HOUSING.**

7 (E) **MEALS.**

8 (F) **ANY OTHER COST INCURRED IN EXERCISING THE RIGHTS OF THE**
9 **VICTIM OR A PARENT UNDER THIS ACT.**

10 Sec. 31. (1) In determining the amount of restitution to order
11 under section 30 of this chapter, the court shall consider the
12 amount of the loss sustained by any victim as a result of the
13 juvenile offense **OR THE JUVENILE'S COURSE OF CONDUCT.** In
14 determining whether to order the juvenile's supervisory parent to
15 pay restitution under section 30(15) of this chapter, the court
16 shall consider the financial resources of the juvenile's
17 supervisory parent and the other factors specified in section
18 30(16) of this chapter.

19 (2) The court may order the person preparing a report for the
20 purpose of disposition to obtain information pertaining to the
21 factors set forth in subsection (1). That person shall include the
22 information collected in the disposition report or in a separate
23 report, as the court directs.

24 (3) The court shall disclose to the juvenile, the juvenile's
25 supervisory parent, and the prosecuting attorney all portions of
26 the disposition or other report pertaining to the matters described
27 in subsection (1).

1 (4) Any dispute as to the proper amount or type of restitution
2 shall be resolved by the court by a preponderance of the evidence.
3 The burden of demonstrating the amount of the loss sustained by a
4 victim as a result of the juvenile offense shall be on the
5 prosecuting attorney. The burden of demonstrating the financial
6 resources of the juvenile's supervisory parent and the other
7 factors specified in section 30(16) of this chapter shall be on the
8 supervisory parent.

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

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

14 (a) Senate Bill No. 873.

15 (b) Senate Bill No. _____ or House Bill No. 5932 (request no.
16 05128'16).