

HOUSE BILL No. 6515

November 27, 2018, Introduced by Reps. Love, Geiss, Guerra, Neeley, Howrylak, Yancey, Phelps and Jones and referred to the Committee on Law and Justice.

A bill to create the raise the age advisory committee and prescribe its powers and duties and to provide for the powers and duties of certain state and local governmental offices and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "raise
2 the age advisory committee act".

3 Sec. 2. As used in this act:

4 (a) "Committee" means the raise the age advisory committee
5 created in section 3.

6 (b) "Michigan committee on juvenile justice" means the
7 committee created in Executive Order No. 2012-1.

8 Sec. 3. (1) The raise the age advisory committee is
9 established within the state court administrative office. The

1 committee shall develop recommendations for the implementation of
2 legislation that would require individuals who are 17 years of age
3 to be treated as juveniles for purposes of criminal prosecution,
4 rather than as adults.

5 (2) Upon appropriation of the necessary funding, the state
6 court administrative office shall provide professional and clerical
7 staff, including professional facilitation, and other services and
8 supplies, including meeting space, as needed for the committee to
9 carry out its duties in an effective manner.

10 (3) The committee shall develop a detailed plan of
11 recommendations for the implementation of any changes in the
12 juvenile justice system that would be required in order to extend
13 jurisdiction in delinquency matters and proceedings handled within
14 the juvenile justice system to include individuals who are 17 years
15 of age. The plan developed under this subsection must include all
16 of the following:

17 (a) A process to develop and implement a centralized juvenile
18 justice data sharing system that will be adequately and sustainably
19 funded by this state to achieve consistent quality data from every
20 county of this state.

21 (b) Recommendations regarding the use of an evidence-based
22 risk and needs assessment tool.

23 (c) Recommendations for the training of judges,
24 administrators, and other juvenile justice stakeholders to expand
25 the understanding of the value and need for implementation of a
26 validated risk and needs assessment in the juvenile courts to drive
27 individualized, appropriately dosed treatment for juveniles in the

1 court, the use of trauma-informed programming to address identified
2 needs, and the expansion of restorative practice options for
3 justice-involved youth.

4 (d) Recommendations for expanding community-based services for
5 justice-involved youth, including regional options in rural
6 communities as needed.

7 (e) Recommendations for expanding diversion options prior to
8 juvenile court involvement.

9 (f) An assessment of the projected need for juvenile detention
10 beds, and any need for private agencies to modify the agencies'
11 licensing to accept 17-year-old individuals in the agencies'
12 residential facilities.

13 (g) A racial impact study of raising the age of juvenile
14 jurisdiction to 17 years of age.

15 (4) The plan developed under subsection (3) must also include
16 cost estimates for each portion of the plan, including capital
17 costs, operating costs, and staffing costs. As the legislation
18 expanding juvenile jurisdiction to include individuals 17 years of
19 age is implemented, the committee shall monitor and review the
20 implementation and make additional recommendations to the
21 legislature as necessary.

22 (5) The committee shall consist of the following 21 members:

23 (a) The executive director of the children's services agency
24 at the department of health and human services or his or her
25 designee.

26 (b) The state court administrator or his or her designee.

27 (c) The deputy director for behavioral health and

1 developmental disabilities at the department of health and human
2 services or his or her designee.

3 (d) The superintendent of public instruction or his or her
4 designee.

5 (e) One county administrator, appointed by the Michigan
6 Association of Counties.

7 (f) The chairperson of the Michigan committee on juvenile
8 justice.

9 (g) Two juvenile court administrators. One of the
10 administrators under this subdivision must be appointed by the
11 Michigan Association of Family Court Administrators and the other
12 must be appointed by the Northern Michigan Juvenile Officers
13 Association.

14 (h) The Wayne County Deputy Director of the Department of
15 Health, Veterans, and Community or his or her designee.

16 (i) One county sheriff appointed by the Michigan Sheriffs'
17 Association.

18 (j) One prosecuting attorney who handles juvenile matters
19 appointed by the Prosecuting Attorneys Association of Michigan.

20 (k) One representative from the victim advocacy community who
21 must be appointed by the minority leader of the senate.

22 (l) The director of the department of corrections or his or
23 her designee.

24 (m) One individual who has been in the juvenile justice system
25 as an offender, appointed by the youth advisory board that is
26 overseen and funded by the Michigan committee on juvenile justice.

27 (n) One parent of a child currently in the juvenile justice

1 system as an offender, appointed by the minority leader of the
2 house of representatives.

3 (o) The Michigan Kids Count Director.

4 (p) The director of the lead agency for the Raise the Age
5 Advocacy Campaign.

6 (q) One judge appointed by the Michigan Probate Judges
7 Association.

8 (r) One judge appointed by the Michigan Judges Association.

9 (s) One representative for the Michigan Juvenile Detention
10 Association appointed by the association.

11 (t) One representative for the Council of Michigan Foundations
12 or his or her designee.

13 (6) The appointment of the members who must be appointed to
14 the committee must be completed not later than May 1, 2019. A
15 vacancy on the committee that results from the resignation of a
16 member of the committee who was appointed to the committee must be
17 filled in the same manner in which the original appointment was
18 made.

19 (7) The senate majority leader and the speaker of the house of
20 representatives shall designate 1 member each who shall serve as
21 co-chairpersons of the committee. The co-chairpersons designated
22 under this subsection shall call the initial meeting of the
23 committee on or before June 1, 2019. After the first meeting, the
24 committee shall meet upon appropriate notice to and at times
25 determined necessary by its members.

26 (8) A majority of the members of the committee constitute a
27 quorum for the transaction of business at a meeting of the

1 committee. A majority of the members present and serving are
2 required for official action of the committee.

3 (9) The committee may request the use of facilities, provision
4 of data, or any other assistance from a department, agency,
5 institution, or officer of this state or any political subdivision
6 of this state.

7 Sec. 5. (1) Not later than May 1, 2020, the committee shall
8 submit an initial report to the legislature with copies to the
9 appropriations subcommittees for health and human services of both
10 houses of the legislature containing the specific recommendations
11 for and the cost estimates of capital, operating, and staffing
12 costs for implementation of legislation that increases the age for
13 criminal prosecution as an adult in this state from 17 years of age
14 to 18 years of age. The report under this subsection must include
15 legislative, administrative, and funding recommendations for
16 developing a permanent funding mechanism necessary to implement the
17 extension of juvenile jurisdiction to include individuals who are
18 17 years of age. The report under this subsection must also contain
19 a data assessment of the number of individuals who are 17 years of
20 age that are projected to enter the juvenile justice system
21 organized by county and include the offense types applicable to the
22 individuals, as well as an initial assessment of detention facility
23 capacity and utilization.

24 (2) The committee may contract with a third-party researcher
25 to conduct a study of the implementation of the legislation
26 described under subsection (1). A study conducted under this
27 subsection must measure the outcomes of the implementation of the

1 legislation described under subsection (1) by providing the
2 committee a 2-year analysis of the impact of the implementation on
3 the juvenile justice system.

4 (3) In addition to the report required under subsection (1),
5 the committee shall submit annual interim reports beginning not
6 later than January 15, 2020 to the legislature that include updates
7 on the planning steps completed toward implementation of
8 legislation that increases the age for criminal prosecution as an
9 adult in this state from 17 years of age to 18 years of age,
10 including any legislative, administrative, and funding
11 recommendations.

12 (4) The committee shall submit a final report to the
13 legislature and the governor on the implementation of legislation
14 that increases the age for criminal prosecution as an adult in this
15 state from 17 years of age to 18 years of age and its findings and
16 recommendations, including legislative, administrative, and funding
17 recommendations, not later than January 15, 2021. The committee
18 shall terminate on January 15, 2024 or upon the filing of its final
19 report, whichever occurs earlier.

20 (5) The committee may apply for, receive, and accept grants of
21 nonstate funds or other contributions as appropriate to assist in
22 the performance of its duties under this act.

23 Enacting section 1. This act takes effect 90 days after the
24 date it is enacted into law.