



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 92 (Substitute S-1 as reported)

Sponsor: Senator Sylvia Santana

Committee: Judiciary and Public Safety

**CONTENT**

The bill would amend the Code of Criminal Procedure to refer to an offense committed on or after a person's 18<sup>th</sup>, rather than 17<sup>th</sup>, birthday for a court's determination to assign the person to youthful trainee status.

Under the Chapter 2 (Courts) of the Code of Criminal Procedure, if an individual pleads guilty to a criminal offense committed on or after his or her 17<sup>th</sup> birthday, but before his or her 24<sup>th</sup> birthday, the court may, without entering a judgment of conviction and with the individual's consent, consider and assign that individual to youthful trainee status.

The court may not assign an individual to youthful trainee status for a felony for which the maximum punishment is life imprisonment, a major controlled substance offense, a traffic offense, or, with certain exceptions, a criminal sexual conduct offense. If an individual's youthful trainee status is not terminated or revoked, the court must discharge the individual and dismiss the proceedings upon final release from youthful trainee status.

Under the bill, a court could assign an individual to youthful trainee status, under the conditions and with the exceptions described above, if he or she committed the offense on or after his or her 18<sup>th</sup>, rather than 17<sup>th</sup>, birthday, but before his or her 24<sup>th</sup> birthday.

The bill would take effect on October 1, 2021.

MCL 762.11

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the State and could have a negative fiscal impact on local government. Currently, 17- to 23-year-old offenders who are sentenced to prison or probation may be granted Holmes Youthful Trainee Act (HYTA) status at the discretion of prosecutors and the courts. The bill would remove 17-year-olds from eligibility. It is unclear whether this would make prosecutors and courts less likely to sentence 17-year-olds to prison, but if there were a reduction in prison sentences, the Michigan Department of Corrections (MDOC) would see reduced costs.

There could be a much larger shift in costs regarding HYTA probationers. If a 17-year-old offender is on felony probation with HYTA status, the costs of that probation are the responsibility of the MDOC. There are between 300 and 450 17-year-old offenders on HYTA probation at any given time. The average cost for felony probation supervision is approximately \$3,000 per probationer per year. Costs could be increased for local governments and the Department of Health and Human Services depending on the alternative dispositions that were reached in these cases.

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