

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4140**

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 16, 18, and 18i of chapter XIIA (MCL 712A.16,
712A.18, and 712A.18i), section 16 as amended by 1998 PA 478,
section 18 as amended by 2018 PA 58, and section 18i as added by
1996 PA 244.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XIIA

2 Sec. 16. (1) If a juvenile under the age of ~~17~~**18** years is
3 taken into custody or detained, the juvenile shall not be confined
4 in any police station, prison, jail, lock-up, or reformatory or
5 transported with, or compelled or permitted to associate or mingle
6 with, criminal or dissolute persons. ~~However, except~~**Except** as



1 otherwise provided in section 15(3), (4), and (5) of this chapter,
2 the court may order a juvenile 15 years of age or older whose
3 habits or conduct are considered a menace to other juveniles, or
4 who may not otherwise be safely detained, placed in a jail or other
5 place of detention for adults, but in a room or ward separate from
6 adults and for not more than 30 days, unless longer detention is
7 necessary for the service of process.

8 (2) The county board of commissioners in each county or of
9 counties contracting together may provide for the diagnosis,
10 treatment, care, training, and detention of juveniles in a child
11 care home or facility conducted as an agency of the county if the
12 home or facility meets licensing standards established under 1973
13 PA 116, MCL 722.111 to 722.128. The court or a court-approved
14 agency may arrange for the boarding of juveniles in any of the
15 following:

16 (a) If a juvenile is within the court's jurisdiction under
17 section 2(a) of this chapter, a suitable foster care home subject
18 to the court's supervision. If a juvenile is within the court's
19 jurisdiction under section 2(b) of this chapter, the court shall
20 not place a juvenile in a foster care home subject to the court's
21 supervision.

22 (b) A child caring institution or child placing agency
23 licensed by the department ~~of consumer and industry services~~ to
24 receive for care juveniles within the court's jurisdiction.

25 (c) If in a room or ward separate and apart from adult
26 criminals, the county jail for juveniles over 17 years of age
27 within the court's jurisdiction.

28 (3) If a detention home or facility is established as an
29 agency of the county, the judge may appoint a superintendent and



1 other necessary employees for the home or facility who shall
2 receive compensation as provided by the county board of
3 commissioners of the county. This section does not alter or
4 diminish the legal responsibility of the ~~family independence agency~~
5 **department** or a county juvenile agency to receive juveniles
6 committed by the court.

7 (4) If the court under subsection (2) arranges for the board
8 of juveniles temporarily detained in private homes or in a child
9 caring institution or child placing agency, a reasonable sum fixed
10 by the court for their board shall be paid by the county treasurer
11 as provided in section 25 of this chapter.

12 (5) A court shall not provide foster care home services
13 subject to the court's supervision to juveniles within section 2(b)
14 of this chapter.

15 (6) A juvenile detention home described in subsection (3)
16 shall be operated under the direction of the county board of
17 commissioners or, in a county that has an elected county executive,
18 under the county executive's direction. ~~However, a~~ **A** different
19 method for directing the operation of a detention home may be
20 agreed to in any county by the chief judge of the circuit court in
21 that county and the county board of commissioners or, in a county
22 that has an elected county executive, the county executive.

23 Sec. 18. (1) If the court finds that a juvenile concerning
24 whom a petition is filed is not within this chapter, the court
25 shall enter an order dismissing the petition. Except as otherwise
26 provided in subsection (10), if the court finds that a juvenile is
27 within this chapter, the court shall order the juvenile returned to
28 his or her parent if the return of the juvenile to his or her
29 parent would not cause a substantial risk of harm to the juvenile



1 or society. The court may also enter any of the following orders of
2 disposition that are appropriate for the welfare of the juvenile
3 and society in view of the facts proven and ascertained:

4 (a) Warn the juvenile or the juvenile's parents, guardian, or
5 custodian and, except as provided in subsection (7), dismiss the
6 petition.

7 (b) Place the juvenile on probation, or under supervision in
8 the juvenile's own home or in the home of an adult who is related
9 to the juvenile. As used in this subdivision, "related" means an
10 individual who is not less than 18 years of age and related to the
11 child by blood, marriage, or adoption, as grandparent, great-
12 grandparent, great-great-grandparent, aunt or uncle, great-aunt or
13 great-uncle, great-great-aunt or great-great-uncle, sibling,
14 stepsibling, nephew or niece, first cousin or first cousin once
15 removed, and the spouse of any of the above, even after the
16 marriage has ended by death or divorce. A child may be placed with
17 the parent of a man whom the court has found probable cause to
18 believe is the putative father if there is no man with legally
19 established rights to the child. This placement of the child with
20 the parent of a man whom the court has found probable cause to
21 believe is the putative father is for the ~~purposes~~**purpose** of
22 placement only, ~~and is not to be construed as a finding of~~
23 ~~paternity, or to~~**and does not** confer legal standing. The court
24 shall order the terms and conditions of probation or supervision,
25 including reasonable rules for the conduct of the parents,
26 guardian, or custodian, if any, as the court determines necessary
27 for the physical, mental, or moral well-being and behavior of the
28 juvenile. The court may order that the juvenile participate in a
29 juvenile drug treatment court under chapter 10A of the revised



1 judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088. The
2 court also shall order, as a condition of probation or supervision,
3 that the juvenile shall pay the minimum state cost prescribed by
4 section 18m of this chapter.

5 (c) If a juvenile is within the court's jurisdiction under
6 section 2(a) of this chapter, or under section 2(h) of this chapter
7 for a supplemental petition, place the juvenile in a suitable
8 foster care home subject to the court's supervision. If a juvenile
9 is within the court's jurisdiction under section 2(b) of this
10 chapter, the court shall not place a juvenile in a foster care home
11 subject to the court's supervision.

12 (d) Except as otherwise provided in this subdivision, place
13 the juvenile in or commit the juvenile to a private institution or
14 agency approved or licensed by the department's division of child
15 welfare licensing for the care of juveniles of similar age, sex,
16 and characteristics. If the juvenile is not a ward of the court,
17 the court shall commit the juvenile to the department or, if the
18 county is a county juvenile agency, to that county juvenile agency
19 for placement in or commitment to an institution or agency as the
20 department or county juvenile agency determines is most
21 appropriate, subject to any initial level of placement the court
22 designates.

23 (e) Except as otherwise provided in this subdivision, commit
24 the juvenile to a public institution, county facility, institution
25 operated as an agency of the court or county, or agency authorized
26 by law to receive juveniles of similar age, sex, and
27 characteristics. If the juvenile is not a ward of the court, the
28 court shall commit the juvenile to the department or, if the county
29 is a county juvenile agency, to that county juvenile agency for



1 placement in or commitment to an institution or facility as the
2 department or county juvenile agency determines is most
3 appropriate, subject to any initial level of placement the court
4 designates. ~~If a child is not less than 17 years of age and is in~~
5 ~~violation of a personal protection order, the court may commit the~~
6 ~~child to a county jail within the adult prisoner population.~~ In a
7 placement under subdivision (d) or a commitment under this
8 subdivision, except to a state institution or a county juvenile
9 agency institution, the juvenile's religious affiliation shall be
10 protected by placement or commitment to a private ~~child-placing~~
11 **child placing** or ~~child-caring~~ **child caring** agency or institution,
12 if available. Except for commitment to the department or a county
13 juvenile agency, an order of commitment under this subdivision to a
14 state institution or agency described in the youth rehabilitation
15 services act, 1974 PA 150, MCL 803.301 to 803.309, or in 1935 PA
16 220, MCL 400.201 to 400.214, the court shall name the
17 superintendent of the institution to which the juvenile is
18 committed as a special guardian to receive benefits due the
19 juvenile from the government of the United States. An order of
20 commitment under this subdivision to the department or a county
21 juvenile agency shall name that agency as a special guardian to
22 receive those benefits. The benefits received by the special
23 guardian shall be used to the extent necessary to pay for the
24 portions of the cost of care in the institution or facility that
25 the parent or parents are found unable to pay.

26 (f) Provide the juvenile with medical, dental, surgical, or
27 other health care, in a local hospital if available, or elsewhere,
28 maintaining as much as possible a local physician-patient
29 relationship, and with clothing and other incidental items the



1 court determines are necessary.

2 (g) Order the parents, guardian, custodian, or any other
3 person to refrain from continuing conduct that the court determines
4 has caused or tended to cause the juvenile to come within or to
5 remain under this chapter or that obstructs placement or commitment
6 of the juvenile by an order under this section.

7 (h) Appoint a guardian under section 5204 of the estates and
8 protected individuals code, 1998 PA 386, MCL 700.5204, in response
9 to a petition filed with the court by a person interested in the
10 juvenile's welfare. If the court appoints a guardian as authorized
11 by this subdivision, it may dismiss the petition under this
12 chapter.

13 (i) Order the juvenile to engage in community service.

14 (j) If the court finds that a juvenile has violated a
15 municipal ordinance or a state or federal law, order the juvenile
16 to pay a civil fine in the amount of the civil or penal fine
17 provided by the ordinance or law. Money collected from fines levied
18 under this subsection shall be distributed as provided in section
19 29 of this chapter.

20 (k) If a juvenile is within the court's jurisdiction under
21 section 2(a)(1) of this chapter, order the juvenile's parent or
22 guardian to personally participate in treatment reasonably
23 available in the parent's or guardian's location.

24 (l) If a juvenile is within the court's jurisdiction under
25 section 2(a)(1) of this chapter, place the juvenile in and order
26 the juvenile to complete satisfactorily a program of training in a
27 juvenile boot camp established by the department under the juvenile
28 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided
29 in that act. If the county is a county juvenile agency, the court



1 shall commit the juvenile to that county juvenile agency for
2 placement in the program under that act. Upon receiving a report of
3 satisfactory completion of the program from the department, the
4 court shall authorize the juvenile's release from placement in the
5 juvenile boot camp. Following satisfactory completion of the
6 juvenile boot camp program, the juvenile shall complete an
7 additional period of not less than 120 days or more than 180 days
8 of intensive supervised community reintegration in the juvenile's
9 local community. To place or commit a juvenile under this
10 subdivision, the court shall determine all of the following:

11 (i) Placement in a juvenile boot camp will benefit the
12 juvenile.

13 (ii) The juvenile is physically able to participate in the
14 program.

15 (iii) The juvenile does not appear to have any mental handicap
16 that would prevent participation in the program.

17 (iv) The juvenile will not be a danger to other juveniles in
18 the boot camp.

19 (v) There is an opening in a juvenile boot camp program.

20 (vi) If the court must commit the juvenile to a county juvenile
21 agency, the county juvenile agency is able to place the juvenile in
22 a juvenile boot camp program.

23 (m) If the court entered a judgment of conviction under
24 section 2d of this chapter, enter any disposition under this
25 section or, if the court determines that the best interests of the
26 public would be served, impose any sentence upon the juvenile that
27 could be imposed upon an adult convicted of the offense for which
28 the juvenile was convicted. If the juvenile is convicted of a
29 violation or conspiracy to commit a violation of section



7403(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7403, the court may impose the alternative sentence permitted under that section if the court determines that the best interests of the public would be served. The court may delay imposing a sentence of imprisonment under this subdivision for a period not longer than the period during which the court has jurisdiction over the juvenile under this chapter by entering an order of disposition delaying imposition of sentence and placing the juvenile on probation upon the terms and conditions it considers appropriate, including any disposition under this section. If the court delays imposing sentence under this section, section 18i of this chapter applies. If the court imposes sentence, it shall enter a judgment of sentence. If the court imposes a sentence of imprisonment, the juvenile shall receive credit against the sentence for time served before sentencing. In determining whether to enter an order of disposition or impose a sentence under this subdivision, the court shall consider all of the following factors, giving greater weight to the seriousness of the offense and the juvenile's prior record:

(i) The seriousness of the offense in terms of community protection, including, but not limited to, the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm or other dangerous weapon, and the impact on any victim.

(ii) The juvenile's culpability in committing the offense, including, but not limited to, the level of the juvenile's participation in planning and carrying out the offense and the existence of any aggravating or mitigating factors recognized by the sentencing guidelines.

(iii) The juvenile's prior record of delinquency including, but



1 not limited to, any record of detention, any police record, any
2 school record, or any other evidence indicating prior delinquent
3 behavior.

4 (iv) The juvenile's programming history, including, but not
5 limited to, the juvenile's past willingness to participate
6 meaningfully in available programming.

7 (v) The adequacy of the punishment or programming available in
8 the juvenile justice system.

9 (vi) The dispositional options available for the juvenile.

10 (n) In a proceeding under section 2(b) or (c) of this chapter,
11 if a juvenile is removed from the parent's custody at any time, the
12 court shall permit the juvenile's parent to have regular and
13 frequent parenting time with the juvenile. Parenting time between
14 the juvenile and his or her parent shall not be less than 1 time
15 every 7 days unless the court determines either that exigent
16 circumstances require less frequent parenting time or that
17 parenting time, even if supervised, may be harmful to the
18 juvenile's life, physical health, or mental well-being. If the
19 court determines that parenting time, even if supervised, may be
20 harmful to the juvenile's life, physical health, or mental well-
21 being, the court may suspend parenting time until the risk of harm
22 no longer exists. The court may order the juvenile to have a
23 psychological evaluation or counseling, or both, to determine the
24 appropriateness and the conditions of parenting time.

25 (2) An order of disposition placing a juvenile in or
26 committing a juvenile to care outside of the juvenile's own home
27 and under state, county juvenile agency, or court supervision shall
28 contain a provision for reimbursement by the juvenile, parent,
29 guardian, or custodian to the court for the cost of care or



1 service. The order shall be reasonable, taking into account both
2 the income and resources of the juvenile, parent, guardian, or
3 custodian. The amount may be based upon the guidelines and model
4 schedule created under subsection (6). If the juvenile is receiving
5 an adoption assistance under sections 115f to 115m or 115t of the
6 social welfare act, 1939 PA 280, MCL 400.115f to 400.115m and
7 400.115t, the amount shall not exceed the amount of the support
8 subsidy. The reimbursement provision applies during the entire
9 period the juvenile remains in care outside of the juvenile's own
10 home and under state, county juvenile agency, or court supervision,
11 unless the juvenile is in the permanent custody of the court. The
12 court shall provide for the collection of all amounts ordered to be
13 reimbursed and the money collected shall be accounted for and
14 reported to the county board of commissioners. Collections to cover
15 delinquent accounts or to pay the balance due on reimbursement
16 orders may be made after a juvenile is released or discharged from
17 care outside the juvenile's own home and under state, county
18 juvenile agency, or court supervision. Twenty-five percent of all
19 amounts collected under an order entered under this subsection
20 shall be credited to the appropriate fund of the county to offset
21 the administrative cost of collections. The balance of all amounts
22 collected under an order entered under this subsection shall be
23 divided in the same ratio in which the county, state, and federal
24 government participate in the cost of care outside the juvenile's
25 own home and under state, county juvenile agency, or court
26 supervision. The court may also collect from the government of the
27 United States benefits paid for the cost of care of a court ward.
28 Money collected for juveniles placed by the court with or committed
29 to the department or a county juvenile agency shall be accounted



1 for and reported on an individual juvenile basis. In cases of
2 delinquent accounts, the court may also enter an order to intercept
3 state or federal tax refunds of a juvenile, parent, guardian, or
4 custodian and initiate the necessary offset proceedings in order to
5 recover the cost of care or service. The court shall send to the
6 person who is the subject of the intercept order advance written
7 notice of the proposed offset. The notice shall include notice of
8 the opportunity to contest the offset on the grounds that the
9 intercept is not proper because of a mistake of fact concerning the
10 amount of the delinquency or the identity of the person subject to
11 the order. The court shall provide for the prompt reimbursement of
12 an amount withheld in error or an amount found to exceed the
13 delinquent amount.

14 (3) An order of disposition placing a juvenile in the
15 juvenile's own home under subsection (1)(b) may contain a provision
16 for reimbursement by the juvenile, parent, guardian, or custodian
17 to the court for the cost of service. If an order is entered under
18 this subsection, an amount due shall be determined and treated in
19 the same manner provided for an order entered under subsection (2).

20 (4) An order directed to a parent or a person other than the
21 juvenile is not effective and binding on the parent or other person
22 unless opportunity for hearing is given by issuance of summons or
23 notice as provided in sections 12 and 13 of this chapter and until
24 a copy of the order, bearing the seal of the court, is served on
25 the parent or other person as provided in section 13 of this
26 chapter.

27 (5) If the court appoints an attorney to represent a juvenile,
28 parent, guardian, or custodian, the court may require in an order
29 entered under this section that the juvenile, parent, guardian, or



1 custodian reimburse the court for attorney fees.

2 (6) The office of the state court administrator, under the
3 supervision and direction of the supreme court, shall create
4 guidelines that the court may use in determining the ability of the
5 juvenile, parent, guardian, or custodian to pay for care and any
6 costs of service ordered under subsection (2) or (3). The
7 guidelines shall take into account both the income and resources of
8 the juvenile, parent, guardian, or custodian.

9 (7) If the court finds that a juvenile comes under section 30
10 of this chapter, the court shall order the juvenile or the
11 juvenile's parent to pay restitution as provided in sections 30 and
12 31 of this chapter and in sections 44 and 45 of the William Van
13 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
14 780.795.

15 (8) If the court imposes restitution as a condition of
16 probation, the court shall require the juvenile to do either of the
17 following as an additional condition of probation:

18 (a) Engage in community service or, with the victim's consent,
19 perform services for the victim.

20 (b) Seek and maintain paid employment and pay restitution to
21 the victim from the earnings of that employment.

22 (9) If the court finds that the juvenile is in intentional
23 default of the payment of restitution, a court may, as provided in
24 section ~~31~~ 30 of this chapter, revoke or alter the terms and
25 conditions of probation for nonpayment of restitution. If a
26 juvenile who is ordered to engage in community service
27 intentionally refuses to perform the required community service,
28 the court may revoke or alter the terms and conditions of
29 probation.



(10) The court shall not enter an order of disposition for a juvenile offense as defined in section 1a of 1925 PA 289, MCL 28.241a, or a judgment of sentence for a conviction until the court has examined the court file and has determined that the juvenile's biometric data have been collected and forwarded as required by section 3 of 1925 PA 289, MCL 28.243, and the juvenile's fingerprints have been taken and forwarded as required by the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736. If a juvenile's biometric data have not been collected or a juvenile has not had his or her fingerprints taken, the court shall do either of the following:

(a) Order the juvenile to submit himself or herself to the police agency that arrested or obtained the warrant for the juvenile's arrest so the juvenile's biometric data can be collected and forwarded and his or her fingerprints can be taken and forwarded.

(b) Order the juvenile committed to the sheriff's custody for collecting and forwarding the juvenile's biometric data and taking and forwarding the juvenile's fingerprints.

(11) Upon final disposition, conviction, acquittal, or dismissal of an offense within the court's jurisdiction under section 2(a)(1) of this chapter, using forms approved by the state court administrator, the clerk of the court entering the final disposition, conviction, acquittal, or dismissal shall immediately advise the department of state police of that final disposition, conviction, acquittal, or dismissal as required by section 3 of 1925 PA 289, MCL 28.243. The report to the department of state police shall include information as to the finding of the judge or jury and a summary of the disposition or sentence imposed.



1 (12) If the court enters an order of disposition based on an
2 act that is a juvenile offense as defined in section 1 of 1989 PA
3 196, MCL 780.901, the court shall order the juvenile to pay the
4 assessment as provided in that act. If the court enters a judgment
5 of conviction under section 2d of this chapter for an offense that
6 is a felony, misdemeanor, or ordinance violation, the court shall
7 order the juvenile to pay the assessment as provided in that act.

8 (13) If the court has entered an order of disposition or a
9 judgment of conviction for a listed offense as defined in section 2
10 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
11 court, the department, or the county juvenile agency shall register
12 the juvenile or accept the juvenile's registration as provided in
13 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
14 28.736.

15 (14) If the court enters an order of disposition placing a
16 juvenile in a juvenile boot camp program, or committing a juvenile
17 to a county juvenile agency for placement in a juvenile boot camp
18 program, and the court receives from the department a report that
19 the juvenile has failed to perform satisfactorily in the program,
20 that the juvenile does not meet the program's requirements or is
21 medically unable to participate in the program for more than 25
22 days, that there is no opening in a juvenile boot camp program, or
23 that the county juvenile agency is unable to place the juvenile in
24 a juvenile boot camp program, the court shall release the juvenile
25 from placement or commitment and enter an alternative order of
26 disposition. A juvenile shall not be placed in a juvenile boot camp
27 under an order of disposition more than once, except that a
28 juvenile returned to the court for a medical condition, because
29 there was no opening in a juvenile boot camp program, or because



1 the county juvenile agency was unable to place the juvenile in a
2 juvenile boot camp program may be placed again in the juvenile boot
3 camp program after the medical condition is corrected, an opening
4 becomes available, or the county juvenile agency is able to place
5 the juvenile.

6 (15) If the juvenile is within the court's jurisdiction under
7 section 2(a)(1) of this chapter for an offense other than a listed
8 offense as defined in section 2 of the sex offenders registration
9 act, 1994 PA 295, MCL 28.722, the court shall determine if the
10 offense is a violation of a law of this state or a local ordinance
11 of a municipality of this state that by its nature constitutes a
12 sexual offense against an individual who is less than 18 years of
13 age. If so, the order of disposition is for a listed offense as
14 defined in section 2 of the sex offenders registration act, 1994 PA
15 295, MCL 28.722, and the court shall include the basis for that
16 determination on the record and include the determination in the
17 order of disposition.

18 (16) The court shall not impose a sentence of imprisonment in
19 the county jail under subsection (1)(m) unless the present county
20 jail facility for the juvenile's imprisonment would meet all
21 requirements under federal law and regulations for housing
22 juveniles. The court shall not impose the sentence until it
23 consults with the sheriff to determine when the sentence will begin
24 to ensure that space will be available for the juvenile.

25 (17) In a proceeding under section 2(h) of this chapter, this
26 section only applies to a disposition for a violation of a personal
27 protection order and subsequent proceedings.

28 (18) If a juvenile is within the court's jurisdiction under
29 section 2(a)(1) of this chapter, the court shall order the juvenile



1 to pay costs as provided in section 18m of this chapter.

2 (19) A juvenile who has been ordered to pay the minimum state
3 cost as provided in section 18m of this chapter as a condition of
4 probation or supervision and who is not in willful default of the
5 payment of the minimum state cost may petition the court at any
6 time for a remission of the payment of any unpaid portion of the
7 minimum state cost. If the court determines that payment of the
8 amount due will impose a manifest hardship on the juvenile or his
9 or her immediate family, the court may remit all or part of the
10 amount of the minimum state cost due or modify the method of
11 payment.

12 Sec. 18i. (1) A delay in sentencing does not deprive the court
13 of jurisdiction to sentence the juvenile under section ~~18(1)(n)~~
14 **18(1)(m)** of this chapter any time during the delay.

15 (2) If the court has entered an order of disposition under
16 section ~~18(1)(n)~~ **18(1)(m)** of this chapter delaying imposition of
17 sentence, the court shall conduct an annual review of the
18 probation, including but not limited to the services being provided
19 to the juvenile, the juvenile's placement, and the juvenile's
20 progress in that placement. In conducting this review, the court
21 shall examine any annual report prepared under section 3 of the
22 juvenile facilities act, ~~Act No. 73 of the Public Acts of 1988,~~
23 ~~being section 803.223 of the Michigan Compiled Laws, 1988 PA 73,~~
24 **MCL 803.223**, and any report prepared upon the court's order by the
25 officer or agency supervising probation. The court may order
26 changes in the juvenile's probation based on the review including
27 but not limited to imposition of sentence.

28 (3) If the court entered an order of disposition under section
29 ~~18(1)(n)~~ **18(1)(m)** of this chapter delaying imposition of sentence,



1 the court shall conduct a review hearing to determine whether the
2 juvenile has been rehabilitated and whether the juvenile presents a
3 serious risk to public safety. If the court determines that the
4 juvenile has not been rehabilitated or that the juvenile presents a
5 serious risk to public safety, jurisdiction over the juvenile shall
6 be continued or the court may impose sentence. In making this
7 determination, the court shall consider the following:

8 (a) The extent and nature of the juvenile's participation in
9 education, counseling, or work programs.

10 (b) The juvenile's willingness to accept responsibility for
11 prior behavior.

12 (c) The juvenile's behavior in his or her current placement.

13 (d) The prior record and character of the juvenile and his or
14 her physical and mental maturity.

15 (e) The juvenile's potential for violent conduct as
16 demonstrated by prior behavior.

17 (f) The recommendations of any institution or agency charged
18 with the juvenile's care for the juvenile's release or continued
19 custody.

20 (g) Other information the prosecuting attorney or juvenile may
21 submit.

22 (4) A review hearing shall be scheduled and held unless
23 adjourned for good cause as near as possible to, but before, the
24 juvenile's nineteenth birthday. If an institution or agency to
25 which the juvenile was committed believes that the juvenile has
26 been rehabilitated and that the juvenile does not present a serious
27 risk to public safety, the institution or agency may petition the
28 court to conduct a review hearing any time before the juvenile
29 becomes 19 years of age or, if the court has continued



jurisdiction, any time before the juvenile becomes 21 years of age.

(5) Not less than 14 days before a review hearing is to be conducted, the prosecuting attorney, juvenile, and, if addresses are known, the juvenile's parent or guardian shall be notified. The notice shall state that the court may extend jurisdiction over the juvenile or impose sentence and shall advise the juvenile and the juvenile's parent or guardian of the right to legal counsel. If legal counsel has not been retained or appointed to represent the juvenile, the court shall appoint legal counsel and may assess the cost of providing counsel as costs against the juvenile or those responsible for the juvenile's support, or both, if the persons to be assessed are financially able to comply.

(6) A commitment report prepared as provided in section 5 of the juvenile facilities act, ~~Act No. 73 of the Public Acts of 1988,~~ ~~being section 803.225 of the Michigan Compiled Laws,~~ **1988 PA 73, MCL 803.225**, and any report prepared upon the court's order by the officer or agency supervising probation may be used by the court at a review hearing held under this section.

(7) The court shall conduct a final review of the juvenile's probation not less than 3 months before the end of the probation period. If the court determines at this review that the best interests of the public would be served by imposing any other sentence provided by law for an adult offender, the court may impose the sentence. In making its determination, the court shall consider the criteria specified in subsection (3) and all of the following criteria:

(a) The effect of treatment on the juvenile's rehabilitation.

(b) Whether the juvenile is likely to be dangerous to the public if released.



1 (c) The best interests of the public welfare and the
2 protection of public security.

3 (8) Not less than 14 days before a final review hearing under
4 subsection (7) is to be conducted, the prosecuting attorney,
5 juvenile, and, if addresses are known, the juvenile's parent or
6 guardian shall be notified. The notice shall state that the court
7 may impose a sentence upon the juvenile and shall advise the
8 juvenile and the juvenile's parent or guardian of the right to
9 legal counsel. If legal counsel has not been retained or appointed
10 to represent the juvenile, the court shall appoint legal counsel
11 and may assess the cost of providing counsel as costs against the
12 juvenile or those responsible for the juvenile's support, or both,
13 if the persons to be assessed are financially able to comply.

14 (9) If a juvenile placed on probation under an order of
15 disposition delaying imposition of sentence is found by the court
16 to have violated probation by being convicted of a felony or a
17 misdemeanor punishable by imprisonment for more than 1 year, or
18 adjudicated as responsible for an offense that if committed by an
19 adult would be a felony or a misdemeanor punishable by imprisonment
20 for more than 1 year, the court shall revoke probation and sentence
21 the juvenile to imprisonment for a term that does not exceed the
22 penalty that could have been imposed for the offense for which the
23 juvenile was originally convicted and placed on probation.

24 (10) If a juvenile placed on probation under an order of
25 disposition delaying imposition of sentence is found by the court
26 to have violated probation other than as provided in subsection
27 (9), the court may impose sentence or may order any of the
28 following for the juvenile:

29 (a) A change of placement.



1 (b) Community service.

2 (c) Substance ~~abuse~~**use disorder** counseling.

3 (d) Mental health counseling.

4 (e) Participation in a vocational-technical education program.

5 (f) Incarceration in a county jail for not more than 30 days
6 as provided in this chapter. If a juvenile is under ~~17~~**18** years of
7 age, the juvenile shall be placed in a room or ward out of sight
8 and sound from adult prisoners.

9 (g) Other participation or performance as the court considers
10 necessary.

11 (11) If a sentence of imprisonment is imposed under this
12 section, the juvenile shall receive credit for the period of time
13 served on probation.

14 Enacting section 1. This amendatory act takes effect October
15 1, 2021.