

**SUBSTITUTE FOR
SENATE BILL NO. 97**

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 14, 15, 16, 18, and 18i of chapter XIIA (MCL
712A.14, 712A.15, 712A.16, 712A.18, and 712A.18i), section 14 as
amended by 2012 PA 163, section 15 as amended by 1998 PA 474,
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. 14. (1) Any local police officer, sheriff or deputy
3 sheriff, state police officer, county agent or probation officer of
4 any court of record may, without the order of the court,
5 immediately take into custody any child who is found violating any



1 law or ordinance, or for whom there is reasonable cause to believe
2 is violating or has violated a personal protection order issued
3 under section 2(h) of this chapter by the court under section 2950
4 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL
5 600.2950 and 600.2950a, or for whom there is reasonable cause to
6 believe is violating or has violated a valid foreign protection
7 order. If the officer or county agent takes a child coming within
8 the provisions of this chapter into custody, he or she shall
9 immediately attempt to notify the parent or parents, guardian, or
10 custodian. While awaiting the arrival of the parent or parents,
11 guardian, or custodian, a child under the age of ~~17~~**18** years taken
12 into custody under the provisions of this chapter shall not be held
13 in **a jail or any other** detention facility unless the child is
14 completely isolated ~~so as to prevent any~~ verbal, visual, or
15 physical contact with ~~any~~**an** adult prisoner. Unless the child
16 requires immediate detention as provided for in this act, the
17 officer shall accept the written promise of the parent or parents,
18 guardian, or custodian, to bring the child to the court at a fixed
19 time. The child shall then be released to the custody of the parent
20 or parents, guardian, or custodian.

21 (2) If a child is not released under subsection (1), the child
22 and his or her **parent or** parents, guardian, or custodian, if they
23 can be located, shall immediately be brought before the court for a
24 preliminary hearing on the status of the child, and an order signed
25 by a judge or a referee authorizing the filing of a complaint shall
26 be entered or the child shall be released to his or her parent or
27 parents, guardian, or custodian.

28 (3) If a complaint is authorized under subsection (2), the
29 order shall state where the child is to be placed, pending



1 investigation and hearing, which placement may be in any of the
2 following:

3 (a) In the home of the child's parent **or parents**, guardian, or
4 custodian.

5 (b) If a child is within the court's jurisdiction under
6 section 2(a) of this chapter, in a suitable foster care home
7 subject to the court's supervision. ~~Except as otherwise provided in~~
8 ~~subsections (4) and (5), if~~ **If** a child is within the court's
9 jurisdiction under section 2(b) of this chapter, the court shall
10 not place a child in a foster care home subject to the court's
11 supervision.

12 (c) In a child care institution or child placing agency
13 licensed by the department ~~of human services~~ to receive for care
14 children within the jurisdiction of the court.

15 (d) In a suitable place of detention.

16 ~~(4) Except as otherwise provided in subsection (5), if a court~~
17 ~~is providing at the time of the enactment of this subsection foster~~
18 ~~care home services subject to the court's supervision to children~~
19 ~~within section 2(b) of this chapter, the court may continue to~~
20 ~~provide those services through December 31, 1989. Beginning January~~
21 ~~1, 1990, the court shall discontinue providing those services.~~

22 ~~(5) If a court located in a county with a population in excess~~
23 ~~of 650,000 is providing at the time of the enactment of this~~
24 ~~subsection foster care home services subject to the court's~~
25 ~~supervision to children within section 2(b) of this chapter, the~~
26 ~~court may continue to provide those services through December 31,~~
27 ~~1991. Beginning January 1, 1992, the court shall discontinue those~~
28 ~~services.~~

29 Sec. 15. (1) In the case of a child concerning whom a



complaint has been made or a petition has been filed ~~pursuant to~~
~~under~~ this chapter, the court may order the child, pending the
 hearing, detained in a facility as the court ~~shall designate.~~
designates. The court may release the child, pending the hearing,
 in the custody of a parent **or parents**, guardian, or custodian, to
 be brought before the court at the time designated. As used in this
 subsection, "petition" includes all of the following:

(a) Petition.

(b) Supplemental petition.

(c) Petition for revocation of probation.

(d) Supplemental petition alleging a violation of a personal
 protection order.

(2) Custody, pending hearing, is limited to the following
 children:

(a) Those whose home conditions make immediate removal
 necessary.

(b) Those who have a record of unexcused failures to appear at
 juvenile court proceedings.

(c) Those who have run away from home.

(d) Those who have failed to remain in a detention or
 nonsecure facility or placement in violation of a court order.

(e) Those whose offenses are so serious that release would
 endanger public safety.

(f) Those who have allegedly violated a personal protection
 order and for whom it appears there is a substantial likelihood of
 retaliation or continued violation.

(3) A child taken into custody ~~pursuant~~ **according** to section
 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be
 detained in ~~any~~ **a** secure facility designed to physically restrict



1 the movements and activities of alleged or adjudicated juvenile
 2 offenders unless the court finds that the child willfully violated
 3 a court order and the court finds, after a hearing and on the
 4 record, that there is not a less restrictive alternative more
 5 appropriate to the needs of the child. ~~This subsection does not~~
 6 ~~apply to a child who is under the jurisdiction of the court~~
 7 ~~pursuant to section 2(a)(1) of this chapter or a child who is not~~
 8 ~~less than 17 years of age and who is under the jurisdiction of the~~
 9 ~~court pursuant to a supplemental petition under section 2(h) of~~
 10 ~~this chapter.~~

11 (4) A child taken into custody ~~pursuant to~~ **under** section 2(b)
 12 of this chapter or subsection (2)(a) shall not be detained in ~~any~~ **a**
 13 secure facility designed to physically restrict the movements and
 14 activities of alleged or adjudicated juvenile offenders or in a
 15 cell or other secure area of ~~any~~ **a** secure facility designed to
 16 incarcerate adults.

17 (5) A child taken into custody ~~pursuant to~~ **under** section
 18 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be
 19 detained in a cell or other secure area of ~~any~~ **a** secure facility
 20 designed to incarcerate adults unless ~~either of the following~~
 21 ~~applies:~~

22 ~~(a) A child is under the jurisdiction of the court pursuant to~~
 23 ~~section 2(a)(1) of this chapter for an offense which, if committed~~
 24 ~~by an adult, would be a felony.~~

25 ~~(b) A~~ **the** child is not less than ~~17~~ **18** years of age and is
 26 under the jurisdiction of the court ~~pursuant to~~ **under** a
 27 supplemental petition under section 2(h) of this chapter.

28 Sec. 16. (1) If a juvenile under the age of ~~17~~ **18** years is
 29 taken into custody or detained, the juvenile shall not be confined



1 in ~~any~~ a police station, prison, jail, lock-up, or reformatory or
 2 transported with, or compelled or permitted to associate or mingle
 3 with, criminal or dissolute persons. ~~However, except~~ **Except** as
 4 otherwise provided in section 15(3), (4), and (5) of this chapter,
 5 the court may order a juvenile 15 years of age or older whose
 6 habits or conduct are considered a menace to other juveniles, or
 7 who may not otherwise be safely detained, placed in a jail or other
 8 place of detention for adults, but in a room or ward separate from
 9 adults and for not more than 30 days, unless longer detention is
 10 necessary for the service of process.

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

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

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

28 ~~(c) If in a room or ward separate and apart from adult~~
 29 ~~criminals, the county jail for juveniles over 17 years of age~~



1 ~~within the court's jurisdiction.~~

2 (3) If a detention home or facility is established as an
3 agency of the county, the judge may appoint a superintendent and
4 other necessary employees for the home or facility who shall
5 receive compensation as provided by the county board of
6 commissioners of the county. This section does not alter or
7 diminish the legal responsibility of the ~~family independence agency~~
8 **department** or a county juvenile agency to receive juveniles
9 committed by the court.

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

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

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

26 Sec. 18. (1) If the court finds that a juvenile concerning
27 whom a petition is filed is not within this chapter, the court
28 shall enter an order dismissing the petition. Except as otherwise
29 provided in subsection (10), if the court finds that a juvenile is



1 within this chapter, the court shall order the juvenile returned to
2 his or her parent if the return of the juvenile to his or her
3 parent would not cause a substantial risk of harm to the juvenile
4 or society. The court may also enter any of the following orders of
5 disposition that are appropriate for the welfare of the juvenile
6 and society in view of the facts proven and ascertained:

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

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



1 for the physical, mental, or moral well-being and behavior of the
2 juvenile. The court may order that the juvenile participate in a
3 juvenile drug treatment court under chapter 10A of the revised
4 judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088. The
5 court also shall order, as a condition of probation or supervision,
6 that the juvenile shall pay the minimum state cost prescribed by
7 section 18m of this chapter.

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

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

26 (e) Except as otherwise provided in this subdivision, commit
27 the juvenile to a public institution, county facility, institution
28 operated as an agency of the court or county, or agency authorized
29 by law to receive juveniles of similar age, sex, and



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

29 (f) Provide the juvenile with medical, dental, surgical, or



1 other health care, in a local hospital if available, or elsewhere,
2 maintaining as much as possible a local physician-patient
3 relationship, and with clothing and other incidental items the
4 court determines are necessary.

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

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

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

17 (j) If the court finds that a juvenile has violated a
18 municipal ordinance or a state or federal law, order the juvenile
19 to pay a civil fine in the amount of the civil or penal fine
20 provided by the ordinance or law. Money collected from fines levied
21 under this subsection shall be distributed as provided in section
22 29 of this chapter.

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

27 (l) If a juvenile is within the court's jurisdiction under
28 section 2(a)(1) of this chapter, place the juvenile in and order
29 the juvenile to complete satisfactorily a program of training in a



juvenile boot camp established by the department under the juvenile boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided in that act. If the county is a county juvenile agency, the court shall commit the juvenile to that county juvenile agency for placement in the program under that act. Upon receiving a report of satisfactory completion of the program from the department, the court shall authorize the juvenile's release from placement in the juvenile boot camp. Following satisfactory completion of the juvenile boot camp program, the juvenile shall complete an additional period of not less than 120 days or more than 180 days of intensive supervised community reintegration in the juvenile's local community. To place or commit a juvenile under this subdivision, the court shall determine all of the following:

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

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

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

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

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

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

(m) If the court entered a judgment of conviction under section 2d of this chapter, enter any disposition under this section or, if the court determines that the best interests of the public would be served, impose any sentence upon the juvenile that



1 could be imposed upon an adult convicted of the offense for which
2 the juvenile was convicted, **except that a juvenile shall not be**
3 **confined in a jail or prison until the juvenile is 18 years of age.**
4 If the juvenile is convicted of a violation or conspiracy to commit
5 a violation of section 7403(2)(a)(i) of the public health code, 1978
6 PA 368, MCL 333.7403, the court may impose the alternative sentence
7 permitted under that section if the court determines that the best
8 interests of the public would be served. The court may delay
9 imposing a sentence of imprisonment under this subdivision for a
10 period not longer than the period during which the court has
11 jurisdiction over the juvenile under this chapter by entering an
12 order of disposition delaying imposition of sentence and placing
13 the juvenile on probation upon the terms and conditions it
14 considers appropriate, including ~~any~~**a** disposition under this
15 section. If the court delays imposing sentence under this section,
16 section 18i of this chapter applies. If the court imposes sentence,
17 it shall enter a judgment of sentence. If the court imposes a
18 sentence of imprisonment, the juvenile shall receive credit against
19 the sentence for time served before sentencing. In determining
20 whether to enter an order of disposition or impose a sentence under
21 this subdivision, the court ~~shall~~**must** consider all of the
22 following factors, giving greater weight to the seriousness of the
23 offense and the juvenile's prior record:

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

29 (ii) The juvenile's culpability in committing the offense,



1 including, but not limited to, the level of the juvenile's
2 participation in planning and carrying out the offense and the
3 existence of any aggravating or mitigating factors recognized by
4 the sentencing guidelines.

5 (iii) The juvenile's prior record of delinquency including, but
6 not limited to, any record of detention, any police record, any
7 school record, or any other evidence indicating prior delinquent
8 behavior.

9 (iv) The juvenile's programming history, including, but not
10 limited to, the juvenile's past willingness to participate
11 meaningfully in available programming.

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

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

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



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



1 own home and under state, county juvenile agency, or court
2 supervision. The court may also collect from the ~~government of the~~
3 United States **government** benefits paid for the cost of care of a
4 court ward. Money collected for juveniles placed by the court with
5 or committed to the department or a county juvenile agency ~~shall~~
6 **must** be accounted for and reported on an individual juvenile basis.
7 In cases of delinquent accounts, the court may also enter an order
8 to intercept state or federal tax refunds of a juvenile, parent,
9 guardian, or custodian and initiate the necessary offset
10 proceedings in order to recover the cost of care or service. The
11 court shall send to the person who is the subject of the intercept
12 order advance written notice of the proposed offset. The notice
13 shall include notice of the opportunity to contest the offset on
14 the grounds that the intercept is not proper because of a mistake
15 of fact concerning the amount of the delinquency or the identity of
16 the person subject to the order. The court shall provide for the
17 prompt reimbursement of an amount withheld in error or an amount
18 found to exceed the delinquent amount.

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

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



1 the parent or other person as provided in section 13 of this
2 chapter.

3 (5) If the court appoints an attorney to represent a juvenile,
4 parent, guardian, or custodian, the court may require in an order
5 entered under this section that the juvenile, parent, guardian, or
6 custodian reimburse the court for attorney fees.

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

14 (7) If the court finds that a juvenile comes under section 30
15 of this chapter, the court shall order the juvenile or the
16 juvenile's parent to pay restitution as provided in sections 30 and
17 31 of this chapter and in sections 44 and 45 of the William Van
18 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
19 780.795.

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

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

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

27 (9) If the court finds that the juvenile is in intentional
28 default of the payment of restitution, a court may, as provided in
29 section 31 of this chapter, revoke or alter the terms and



1 conditions of probation for nonpayment of restitution. If a
2 juvenile who is ordered to engage in community service
3 intentionally refuses to perform the required community service,
4 the court may revoke or alter the terms and conditions of
5 probation.

6 (10) The court shall not enter an order of disposition for a
7 juvenile offense as defined in section 1a of 1925 PA 289, MCL
8 28.241a, or a judgment of sentence for a conviction until the court
9 has examined the court file and has determined that the juvenile's
10 biometric data have been collected and forwarded as required by
11 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's
12 fingerprints have been taken and forwarded as required by the sex
13 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736. If a
14 juvenile's biometric data have not been collected or a juvenile has
15 not had his or her fingerprints taken, the court shall do either of
16 the following:

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

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

25 (11) Upon final disposition, conviction, acquittal, or
26 dismissal of an offense within the court's jurisdiction under
27 section 2(a)(1) of this chapter, using forms approved by the state
28 court administrator, the clerk of the court entering the final
29 disposition, conviction, acquittal, or dismissal shall immediately



1 advise the department of state police of that final disposition,
2 conviction, acquittal, or dismissal as required by section 3 of
3 1925 PA 289, MCL 28.243. The report to the department of state
4 police shall include information as to the finding of the judge or
5 jury and a summary of the disposition or sentence imposed.

6 (12) If the court enters an order of disposition based on an
7 act that is a juvenile offense as defined in section 1 of 1989 PA
8 196, MCL 780.901, the court shall order the juvenile to pay the
9 assessment as provided in that act. If the court enters a judgment
10 of conviction under section 2d of this chapter for an offense that
11 is a felony, misdemeanor, or ordinance violation, the court shall
12 order the juvenile to pay the assessment as provided in that act.

13 (13) If the court has entered an order of disposition or a
14 judgment of conviction for a listed offense as defined in section 2
15 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
16 court, the department, or the county juvenile agency shall register
17 the juvenile or accept the juvenile's registration as provided in
18 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
19 28.736.

20 (14) If the court enters an order of disposition placing a
21 juvenile in a juvenile boot camp program, or committing a juvenile
22 to a county juvenile agency for placement in a juvenile boot camp
23 program, and the court receives from the department a report that
24 the juvenile has failed to perform satisfactorily in the program,
25 that the juvenile does not meet the program's requirements or is
26 medically unable to participate in the program for more than 25
27 days, that there is no opening in a juvenile boot camp program, or
28 that the county juvenile agency is unable to place the juvenile in
29 a juvenile boot camp program, the court shall release the juvenile



1 from placement or commitment and enter an alternative order of
2 disposition. A juvenile shall not be placed in a juvenile boot camp
3 under an order of disposition more than once, except that a
4 juvenile returned to the court for a medical condition, because
5 there was no opening in a juvenile boot camp program, or because
6 the county juvenile agency was unable to place the juvenile in a
7 juvenile boot camp program may be placed again in the juvenile boot
8 camp program after the medical condition is corrected, an opening
9 becomes available, or the county juvenile agency is able to place
10 the juvenile.

11 (15) If the juvenile is within the court's jurisdiction under
12 section 2(a)(1) of this chapter for an offense other than a listed
13 offense as defined in section 2 of the sex offenders registration
14 act, 1994 PA 295, MCL 28.722, the court shall determine if the
15 offense is a violation of a law of this state or a local ordinance
16 of a municipality of this state that by its nature constitutes a
17 sexual offense against an individual who is less than 18 years of
18 age. If so, the order of disposition is for a listed offense as
19 defined in section 2 of the sex offenders registration act, 1994 PA
20 295, MCL 28.722, and the court shall include the basis for that
21 determination on the record and include the determination in the
22 order of disposition.

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



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

4 (18) If a juvenile is within the court's jurisdiction under
5 section 2(a)(1) of this chapter, the court shall order the juvenile
6 to pay costs as provided in section 18m of this chapter.

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

17 Sec. 18i. (1) A delay in sentencing does not deprive the court
18 of jurisdiction to sentence the juvenile under section 18(1)(n) of
19 this chapter any time during the delay.

20 (2) If the court has entered an order of disposition under
21 section 18(1)(n) of this chapter delaying imposition of sentence,
22 the court shall conduct an annual review of the probation,
23 including but not limited to the services being provided to the
24 juvenile, the juvenile's placement, and the juvenile's progress in
25 that placement. In conducting this review, the court shall examine
26 any annual report prepared under section 3 of the juvenile
27 facilities act, ~~Act No. 73 of the Public Acts of 1988, being~~
28 ~~section 803.223 of the Michigan Compiled Laws, 1988 PA 73, MCL~~
29 ~~803.223~~, and any report prepared upon the court's order by the



1 officer or agency supervising probation. The court may order
2 changes in the juvenile's probation based on the review including
3 but not limited to imposition of sentence.

4 (3) If the court entered an order of disposition under section
5 18(1)(n) of this chapter delaying imposition of sentence, the court
6 shall conduct a review hearing to determine whether the juvenile
7 has been rehabilitated and whether the juvenile presents a serious
8 risk to public safety. If the court determines that the juvenile
9 has not been rehabilitated or that the juvenile presents a serious
10 risk to public safety, jurisdiction over the juvenile shall be
11 continued or the court may impose sentence. In making this
12 determination, the court shall consider the following:

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

15 (b) The juvenile's willingness to accept responsibility for
16 prior behavior.

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

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

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

22 (f) The recommendations of ~~any~~**an** institution or agency
23 charged with the juvenile's care for the juvenile's release or
24 continued custody.

25 (g) Other information the prosecuting attorney or juvenile may
26 submit.

27 (4) A review hearing ~~shall~~**must** be scheduled and held unless
28 adjourned for good cause as near as possible to, but before, the
29 juvenile's nineteenth birthday. If an institution or agency to



1 which the juvenile was committed believes that the juvenile has
2 been rehabilitated and that the juvenile does not present a serious
3 risk to public safety, the institution or agency may petition the
4 court to conduct a review hearing any time before the juvenile
5 becomes 19 years of age or, if the court has continued
6 jurisdiction, any time before the juvenile becomes 21 years of age.

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

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

24 (7) The court shall conduct a final review of the juvenile's
25 probation not less than 3 months before the end of the probation
26 period. If the court determines at this review that the best
27 interests of the public would be served by imposing any other
28 sentence provided by law for an adult offender, the court may
29 impose the sentence. In making its determination, the court shall



1 consider the criteria specified in subsection (3) and all of the
2 following criteria:

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

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

6 (c) The best interests of the public welfare and the
7 protection of public security.

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

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

29 (10) If a juvenile placed on probation under an order of



1 disposition delaying imposition of sentence is found by the court
 2 to have violated probation other than as provided in subsection
 3 (9), the court may impose sentence or may order any of the
 4 following for the juvenile:

5 (a) A change of placement.

6 (b) Community service.

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

8 (d) Mental health counseling.

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

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

14 **(f)** ~~(g)~~ Other participation or performance as the court
 15 considers necessary.

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

19 Enacting section 1. This amendatory act takes effect October
 20 1, 2021.

21 Enacting section 2. This amendatory act does not take effect
 22 unless all of the following bills of the 100th Legislature are
 23 enacted into law:

24 (a) Senate Bill No. 91.

25 (b) Senate Bill No. 96.

