

SUBSTITUTE FOR
SENATE BILL NO. 1049

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 11 of chapter II (MCL 762.11), as amended by
2019 PA 100.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER II

Sec. 11. (1) ~~Except~~ **Until October 1, 2021 and except** as
provided in subsections ~~(2) (3)~~ and ~~(3) (4)~~, if an individual
pleads guilty to a criminal offense, committed on or after the
individual's ~~eighteenth~~ **seventeenth** birthday but before his or her
twenty-fourth birthday, the court of record having jurisdiction of
the criminal offense may, without entering a judgment of conviction
and with the consent of that individual, consider and assign that



1 individual to the status of youthful trainee. If the offense was
2 committed on or after the individual's twenty-first birthday but
3 before his or her twenty-fourth birthday, the individual must not
4 be assigned to youthful trainee status without the consent of the
5 prosecuting attorney.

6 (2) ~~Subsection (1) does~~ Beginning October 1 2021, except as
7 provided in subsections (3) and (4), if an individual pleads guilty
8 to a criminal offense, committed on or after the individual's
9 eighteenth birthday but before his or her twenty-sixth birthday,
10 the court of record having jurisdiction of the criminal offense
11 may, without entering a judgment of conviction and with the consent
12 of that individual, consider and assign that individual to the
13 status of youthful trainee. If the offense was committed on or
14 after the individual's twenty-first birthday but before his or her
15 twenty-sixth birthday, the individual must not be assigned to
16 youthful trainee status without the consent of the prosecuting
17 attorney. If a defendant is charged with an offense listed under
18 subsection (3) and the defendant pleads guilty to any other offense
19 or will be eligible for the status of youthful trainee under
20 subsection (4), the prosecutor shall consult with the victim
21 regarding the applicability of this section.

22 (3) Subsections (1) and (2) do not apply to any of the
23 following:

24 (a) A felony for which the maximum penalty is imprisonment for
25 life.

26 (b) A major controlled substance offense.

27 (c) A traffic offense.

28 (d) A violation, attempted violation, or conspiracy to violate
29 section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931



PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520e, other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d and 750.520e.

(e) A violation, attempted violation, or conspiracy to violate section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520g, with the intent to commit a violation of section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520e, other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d and 750.520e.

(4) ~~(3)~~—The court shall not assign an individual to the status of youthful trainee if any of the following apply:

(a) The individual was previously convicted of or adjudicated for a listed offense for which registration is required under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736.

(b) If the individual is charged with a listed offense for which registration is required under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the individual fails to carry the burden of proving by clear and convincing evidence that he or she is not likely to engage in further listed offenses.

(c) The court determines that the offense involved any of the following:

(i) A factor set forth in section 520b(1)(a) to (h) of the Michigan penal code, 1931 PA 328, MCL 750.520b.

(ii) A factor set forth in section 520c(1)(a) to (l) of the Michigan penal code, 1931 PA 328, MCL 750.520c.

(iii) A factor set forth in section 520d(1)(b) to (f) of the Michigan penal code, 1931 PA 328, MCL 750.520d.

(iv) A factor set forth in section 520e(1)(b) to (g) of the



1 Michigan penal code, 1931 PA 328, MCL 750.520e.

2 (5) ~~(4)~~—If the court assigns an individual to the status of
3 youthful trainee under this section, the court may require the
4 individual to maintain employment or to attend a high school, high
5 school equivalency program, community college, college, university,
6 or trade school. If the individual is not employed or attending a
7 high school, community college, college, university, or trade
8 school, the individual may be required to actively seek employment
9 or entry into a high school, high school equivalency program,
10 community college, college, university, or trade school.

11 (6) ~~(5)~~—If the offense for which the individual is assigned to
12 the status of youthful trainee status was committed on or after the
13 individual's twenty-first birthday, the individual may, in addition
14 to the other requirements of this section, be subject to electronic
15 monitoring during his or her probationary term as provided under
16 section 3 of chapter XI.

17 (7) ~~(6)~~—As used in this section:

18 (a) "Listed offense" means that term as defined in section 2
19 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

20 (b) "Traffic offense" means a violation of the Michigan
21 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of
22 a local ordinance substantially corresponding to that act, that
23 involves the operation of a vehicle and, at the time of the
24 violation, is a felony or a misdemeanor.

