

HOUSE BILL NO. 4140

February 06, 2019, Introduced by Reps. Guerra, LaGrand, Rendon, Filler, Wozniak, Elder, Hauck, Love and Brann and referred to the Committee on Judiciary.

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

1 sheriff, state police officer, county agent or probation officer of
2 any court of record may, without the order of the court,
3 immediately take into custody any child who is found violating any
4 law or ordinance, or for whom there is reasonable cause to believe
5 is violating or has violated a personal protection order issued
6 under section 2(h) of this chapter by the court under section 2950
7 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL
8 600.2950 and 600.2950a, or for whom there is reasonable cause to
9 believe is violating or has violated a valid foreign protection
10 order. If the officer or county agent takes a child coming within
11 the provisions of this chapter into custody, he or she shall
12 immediately attempt to notify the parent or parents, guardian, or
13 custodian. While awaiting the arrival of the parent or parents,
14 guardian, or custodian, a child under the age of ~~17~~**18** years taken
15 into custody under the provisions of this chapter shall not be held
16 in **a jail or any other** detention facility ~~unless the child is~~
17 ~~completely isolated so as to prevent any verbal, visual, or~~
18 ~~physical contact with any adult prisoner.~~ **for adults but may be**
19 **held in a detention facility for juveniles.** Unless the child
20 requires immediate detention as provided for in this act, the
21 officer shall accept the written promise of the parent or parents,
22 guardian, or custodian, to bring the child to the court at a fixed
23 time. The child shall then be released to the custody of the parent
24 or parents, guardian, or custodian.

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

1 be entered or the child shall be released to his or her parent or
2 parents, guardian, or custodian.

3 (3) If a complaint is authorized under subsection (2), the
4 order shall state where the child is to be placed, pending
5 investigation and hearing, which placement may be in any of the
6 following:

7 (a) In the home of the child's parent, guardian, or custodian.

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

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

18 (d) In a suitable place of detention.

19 ~~(4) Except as otherwise provided in subsection (5), if a court~~
20 ~~is providing at the time of the enactment of this subsection foster~~
21 ~~care home services subject to the court's supervision to children~~
22 ~~within section 2(b) of this chapter, the court may continue to~~
23 ~~provide those services through December 31, 1989. Beginning January~~
24 ~~1, 1990, the court shall discontinue providing those services.~~

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

~~1991. Beginning January 1, 1992, the court shall discontinue those services.~~

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

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

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

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

~~(b) A~~ **the** child is not less than ~~17~~ **18** years of age and is under the jurisdiction of the court ~~pursuant to~~ **under** a

1 supplemental petition under section 2(h) of this chapter.

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

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

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

28 (b) A child caring institution or child placing agency
29 licensed by the department ~~of consumer and industry services to~~

1 receive for care juveniles within the court's jurisdiction.

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

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

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

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

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

29 Sec. 18. (1) If the court finds that a juvenile concerning

1 whom a petition is filed is not within this chapter, the court
2 shall enter an order dismissing the petition. Except as otherwise
3 provided in subsection (10), if the court finds that a juvenile is
4 within this chapter, the court shall order the juvenile returned to
5 his or her parent if the return of the juvenile to his or her
6 parent would not cause a substantial risk of harm to the juvenile
7 or society. The court may also enter any of the following orders of
8 disposition that are appropriate for the welfare of the juvenile
9 and society in view of the facts proven and ascertained:

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

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

1 shall order the terms and conditions of probation or supervision,
2 including reasonable rules for the conduct of the parents,
3 guardian, or custodian, if any, as the court determines necessary
4 for the physical, mental, or moral well-being and behavior of the
5 juvenile. The court may order that the juvenile participate in a
6 juvenile drug treatment court under chapter 10A of the revised
7 judiciary act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088. The
8 court also shall order, as a condition of probation or supervision,
9 that the juvenile shall pay the minimum state cost prescribed by
10 section 18m of this chapter.

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

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

29 (e) Except as otherwise provided in this subdivision, commit

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

1 portions of the cost of care in the institution or facility that
2 the parent or parents are found unable to pay.

3 (f) Provide the juvenile with medical, dental, surgical, or
4 other health care, in a local hospital if available, or elsewhere,
5 maintaining as much as possible a local physician-patient
6 relationship, and with clothing and other incidental items the
7 court determines are necessary.

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

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

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

20 (j) If the court finds that a juvenile has violated a
21 municipal ordinance or a state or federal law, order the juvenile
22 to pay a civil fine in the amount of the civil or penal fine
23 provided by the ordinance or law. Money collected from fines levied
24 under this subsection shall be distributed as provided in section
25 29 of this chapter.

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

1 (l) If a juvenile is within the court's jurisdiction under
2 section 2(a)(1) of this chapter, place the juvenile in and order
3 the juvenile to complete satisfactorily a program of training in a
4 juvenile boot camp established by the department under the juvenile
5 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided
6 in that act. If the county is a county juvenile agency, the court
7 shall commit the juvenile to that county juvenile agency for
8 placement in the program under that act. Upon receiving a report of
9 satisfactory completion of the program from the department, the
10 court shall authorize the juvenile's release from placement in the
11 juvenile boot camp. Following satisfactory completion of the
12 juvenile boot camp program, the juvenile shall complete an
13 additional period of not less than 120 days or more than 180 days
14 of intensive supervised community reintegration in the juvenile's
15 local community. To place or commit a juvenile under this
16 subdivision, the court shall determine all of the following:

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

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

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

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

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

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

29 (m) If the court entered a judgment of conviction under

1 section 2d of this chapter, enter any disposition under this
2 section or, if the court determines that the best interests of the
3 public would be served, impose any sentence upon the juvenile that
4 could be imposed upon an adult convicted of the offense for which
5 the juvenile was convicted, **except that a juvenile shall not be**
6 **confined in a jail or prison until the juvenile is 18 years of age.**

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

27 (i) The seriousness of the offense in terms of community
28 protection, including, but not limited to, the existence of any
29 aggravating factors recognized by the sentencing guidelines, the

1 use of a firearm or other dangerous weapon, and the impact on any
2 victim.

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

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

12 (iv) The juvenile's programming history, including, but not
13 limited to, the juvenile's past willingness to participate
14 meaningfully in available programming.

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

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

18 (n) In a proceeding under section 2(b) or (c) of this chapter,
19 if a juvenile is removed from the parent's custody at any time, the
20 court shall permit the juvenile's parent to have regular and
21 frequent parenting time with the juvenile. Parenting time between
22 the juvenile and his or her parent shall not be less than 1 time
23 every 7 days unless the court determines either that exigent
24 circumstances require less frequent parenting time or that
25 parenting time, even if supervised, may be harmful to the
26 juvenile's life, physical health, or mental well-being. If the
27 court determines that parenting time, even if supervised, may be
28 harmful to the juvenile's life, physical health, or mental well-
29 being, the court may suspend parenting time until the risk of harm

1 no longer exists. The court may order the juvenile to have a
2 psychological evaluation or counseling, or both, to determine the
3 appropriateness and the conditions of parenting time.

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

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

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

28 (4) An order directed to a parent or a person other than the
29 juvenile is not effective and binding on the parent or other person

1 unless opportunity for hearing is given by issuance of summons or
2 notice as provided in sections 12 and 13 of this chapter and until
3 a copy of the order, bearing the seal of the court, is served on
4 the parent or other person as provided in section 13 of this
5 chapter.

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

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

17 (7) If the court finds that a juvenile comes under section 30
18 of this chapter, the court shall order the juvenile or the
19 juvenile's parent to pay restitution as provided in sections 30 and
20 31 of this chapter and in sections 44 and 45 of the William Van
21 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and
22 780.795.

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

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

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

1 (9) If the court finds that the juvenile is in intentional
2 default of the payment of restitution, a court may, as provided in
3 section 31 of this chapter, revoke or alter the terms and
4 conditions of probation for nonpayment of restitution. If a
5 juvenile who is ordered to engage in community service
6 intentionally refuses to perform the required community service,
7 the court may revoke or alter the terms and conditions of
8 probation.

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

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

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

28 (11) Upon final disposition, conviction, acquittal, or
29 dismissal of an offense within the court's jurisdiction under

1 section 2(a)(1) of this chapter, using forms approved by the state
2 court administrator, the clerk of the court entering the final
3 disposition, conviction, acquittal, or dismissal shall immediately
4 advise the department of state police of that final disposition,
5 conviction, acquittal, or dismissal as required by section 3 of
6 1925 PA 289, MCL 28.243. The report to the department of state
7 police shall include information as to the finding of the judge or
8 jury and a summary of the disposition or sentence imposed.

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

16 (13) If the court has entered an order of disposition or a
17 judgment of conviction for a listed offense as defined in section 2
18 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
19 court, the department, or the county juvenile agency shall register
20 the juvenile or accept the juvenile's registration as provided in
21 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
22 28.736.

23 (14) If the court enters an order of disposition placing a
24 juvenile in a juvenile boot camp program, or committing a juvenile
25 to a county juvenile agency for placement in a juvenile boot camp
26 program, and the court receives from the department a report that
27 the juvenile has failed to perform satisfactorily in the program,
28 that the juvenile does not meet the program's requirements or is
29 medically unable to participate in the program for more than 25

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

14 (15) If the juvenile is within the court's jurisdiction under
15 section 2(a)(1) of this chapter for an offense other than a listed
16 offense as defined in section 2 of the sex offenders registration
17 act, 1994 PA 295, MCL 28.722, the court shall determine if the
18 offense is a violation of a law of this state or a local ordinance
19 of a municipality of this state that by its nature constitutes a
20 sexual offense against an individual who is less than 18 years of
21 age. If so, the order of disposition is for a listed offense as
22 defined in section 2 of the sex offenders registration act, 1994 PA
23 295, MCL 28.722, and the court shall include the basis for that
24 determination on the record and include the determination in the
25 order of disposition.

26 (16) The court shall not impose a sentence of imprisonment in
27 the county jail under subsection (1)(m) unless the present county
28 jail facility for the juvenile's imprisonment would meet all
29 requirements under federal law and regulations for housing

1 juveniles. The court shall not impose the sentence until it
2 consults with the sheriff to determine when the sentence will begin
3 to ensure that space will be available for the juvenile.

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

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

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

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

23 (2) If the court has entered an order of disposition under
24 section 18(1)(n) of this chapter delaying imposition of sentence,
25 the court shall conduct an annual review of the probation,
26 including but not limited to the services being provided to the
27 juvenile, the juvenile's placement, and the juvenile's progress in
28 that placement. In conducting this review, the court shall examine
29 any annual report prepared under section 3 of the juvenile

1 facilities act, ~~Act No. 73 of the Public Acts of 1988, being~~
2 ~~section 803.223 of the Michigan Compiled Laws, 1988 PA 73, MCL~~
3 **803.223**, and any report prepared upon the court's order by the
4 officer or agency supervising probation. The court may order
5 changes in the juvenile's probation based on the review including
6 but not limited to imposition of sentence.

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

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

18 (b) The juvenile's willingness to accept responsibility for
19 prior behavior.

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

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

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

25 (f) The recommendations of any institution or agency charged
26 with the juvenile's care for the juvenile's release or continued
27 custody.

28 (g) Other information the prosecuting attorney or juvenile may
29 submit.

1 (4) A review hearing shall be scheduled and held unless
2 adjourned for good cause as near as possible to, but before, the
3 juvenile's nineteenth birthday. If an institution or agency to
4 which the juvenile was committed believes that the juvenile has
5 been rehabilitated and that the juvenile does not present a serious
6 risk to public safety, the institution or agency may petition the
7 court to conduct a review hearing any time before the juvenile
8 becomes 19 years of age or, if the court has continued
9 jurisdiction, any time before the juvenile becomes 21 years of age.

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

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

27 (7) The court shall conduct a final review of the juvenile's
28 probation not less than 3 months before the end of the probation
29 period. If the court determines at this review that the best

1 interests of the public would be served by imposing any other
2 sentence provided by law for an adult offender, the court may
3 impose the sentence. In making its determination, the court shall
4 consider the criteria specified in subsection (3) and all of the
5 following criteria:

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

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

9 (c) The best interests of the public welfare and the
10 protection of public security.

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

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

penalty that could have been imposed for the offense for which the juvenile was originally convicted and placed on probation.

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

(a) A change of placement.

(b) Community service.

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

(d) Mental health counseling.

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

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

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

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

Enacting section 1. This amendatory act takes effect October 1, 2018.

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

(a) Senate Bill No. ____ or House Bill No. ____ (request no. 00305'19).

(b) Senate Bill No. ____ or House Bill No. ____ (request no.

1 00600'19).