

Act No. 101  
Public Acts of 2019  
Approved by the Governor  
October 31, 2019

Filed with the Secretary of State  
October 31, 2019

EFFECTIVE DATE: October 1, 2021

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2019**

**Introduced by Reps. Berman, LaGrand, Neeley, Rendon, Filler, Wozniak, Calley, Guerra, Elder,  
Hauck, Brann and Love**

## **ENROLLED HOUSE BILL No. 4136**

AN ACT to amend 1988 PA 13, entitled “An act to permit certain minors to be diverted from the court system having jurisdiction over minors; to establish diversion criteria and procedures; to require certain records to be made and kept; to prescribe certain powers and duties of courts having jurisdiction over minors and of law enforcement agencies; and to prescribe certain penalties,” by amending sections 2 and 8 (MCL 722.822 and 722.828), section 2 as amended by 1996 PA 415.

*The People of the State of Michigan enact:*

Sec. 2. As used in this act:

(a) “Assaultive crime” means an offense that, if committed by an adult, would constitute an offense against a person described in section 82, 83, 84, 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d, 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, and 750.530.

(b) “Court” means the family division of circuit court.

(c) “Divert” or “diversion” means the placement that occurs when a formally recorded apprehension is made by a law enforcement agency for an act by a minor that if a petition were filed with the court would bring that minor within section 2(a) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, and instead of petitioning the court or authorizing a petition, either of the following occurs:

(i) The minor is released into the custody of his or her parent, guardian, or custodian and the investigation is discontinued.

(ii) The minor and the minor’s parent, guardian, or custodian agree to work with a person or public or private organization or agency that will assist the minor and the minor’s family in resolving the problem that initiated the investigation.

(d) “Law enforcement agency” means a police department of a city, village, or township, a sheriff’s department, the department of state police, or any other governmental law enforcement agency in this state.

(e) “Minor” means an individual less than 18 years of age.

Sec. 8. (1) Except as otherwise required in subsection (2), a record required to be kept under this act shall be open only by order of the court to a person who has a legitimate interest.

(2) A record required to be kept under this act shall be open to a law enforcement agency or court intake worker for only the purpose of deciding whether to divert a minor.

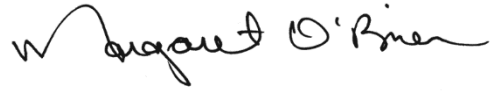
(3) A minor's record kept under this act shall be destroyed within 28 days after the minor becomes 18 years of age.

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



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Clerk of the House of Representatives



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Secretary of the Senate

Approved \_\_\_\_\_

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Governor