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Senate Bill 683 (as enacted)
Sponsor: Senator Michael D. MacDonald
Senate Committee: Judiciary and Public Safety
House Committee: Judiciary

PUBLIC ACT 118 of 2021

Date Completed: 1-6-23

CONTENT

The bill amended the juvenile code to do the following:

- Specify that a provision requiring a criminal case to be transferred to family court if the individual was under the age of 18 at the time the offense is committed applies only to an offense committed on or after October 1, 2021**
- For an offense occurring before October 1, 2021, require a criminal case to be transferred to the family court if the individual was under the age of 17 when the offense is committed.**

The bill took effect on November 30, 2021.

Section 3 of the code specifies that if during the pendency of a criminal charge against an individual in any other court it is ascertained that the individual was under the age of 18 at the time of the commission of the offense, the other court must transfer the case without delay, together with all the papers, documents, and testimony connected with that case, to the family division of the circuit court of the county in which the other court is situated or in which the person resides. Under the bill, this provision applies to an offense occurring on or after October 1, 2021.

For an offense occurring before October 1, 2021, if during the pendency of a criminal charge against a person an individual in any other court it is ascertained that the individual is under the age of 17 at the time of the commission of the offense, the other court must transfer the case without delay, together with all the papers, documents, and testimony connected with that case, to the family division of the circuit court of the county in which the other court is situated or in which the individual resides.

Previously, Section 3 also required the court making the transfer to order the child to be taken promptly to the place of detention designated by the family division of the circuit court or to that court itself or release the juvenile in the custody of some suitable person to appear before the court at a time designated. The bill refers to an "individual" instead of a "child".

Previously, under Section 5 of the code, a court did not have jurisdiction over a juvenile after he or she attained the age of 18 years, except as provided in Section 2a of the code. The bill refers to an "individual" instead of a "juvenile". Also, the bill refers to an individual after he or she attains the age of 19, instead of 18, years.

MCL 712A.3 & 712A.5

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill likely will have no fiscal impact on State or local government. Previously, the law ("Raise the Age" effective October 1, 2021) created a type of "coverage gap" for those individuals who committed an offense before October 1, 2021, and were over the age of 17, but under the age of 18. The bill eliminates the coverage gap, so each offender cohort is treated consistently given the age of the individual and the date of the offense.

For example, if an offense occurred on September 15, 2021, by an individual who was age 17 with a birthday of March 1, given the date of this individual's offense and the individual's age, previous law automatically would have transferred jurisdiction to the family division of the circuit court regardless of when the offense occurred. This type of transfer could be described as a retroactive application of "Raise the Age". The bill enacts a definitive date to demarcate the application of "Raise the Age".

As the elimination of the coverage gap likely will cover only a small number of offenses under a specific set of circumstances of age and date of offense, there likely will be no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.