

HOUSE BILL NO. 6028

November 07, 2024, Introduced by Rep. Morse and referred to the Committee on Criminal Justice.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 2 of chapter XIIA (MCL 712A.2), as amended by
2019 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 CHAPTER XIIA
- 2 Sec. 2. The court has the following authority and
- 3 jurisdiction:
- 4 (a) ~~Exclusive~~ **Except as provided in subdivision (i), exclusive**

original jurisdiction superior to and regardless of the jurisdiction of another court in proceedings concerning a juvenile **who is** under 18 years of age **and** who is found within the county if 1 or more of the following apply:

(1) Except as otherwise provided in this sub-subdivision, the juvenile has violated any municipal ordinance or law of ~~the~~**this** state or of the United States. If the court enters into an agreement under section 2e of this chapter, the court has jurisdiction over a juvenile who committed a civil infraction as provided in that section. The court has jurisdiction over a juvenile 14 years of age or older who is charged with a specified juvenile violation only if the prosecuting attorney files a petition in the court instead of authorizing a complaint and warrant. As used in this sub-subdivision, "specified juvenile violation" means 1 or more of the following:

(A) A violation of section 72, 83, 86, 89, 91, 316, 317, 349, 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317, 750.349, 750.520b, 750.529, 750.529a, and 750.531.

(B) A violation of section 84 or 110a(2) of the Michigan penal code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is armed with a dangerous weapon. As used in this paragraph, "dangerous weapon" means 1 or more of the following:

(i) A loaded or unloaded firearm, whether operable or inoperable.

(ii) A knife, stabbing instrument, brass knuckles, blackjack, club, or other object specifically designed or customarily carried or possessed for use as a weapon.

(iii) An object that is likely to cause death or bodily injury

1 when used as a weapon and that is used as a weapon or carried or
2 possessed for use as a weapon.

3 (iv) An object or device that is used or fashioned in a manner
4 to lead a person to believe the object or device is an object or
5 device described in subparagraphs (i) to (iii).

6 (C) A violation of section 186a of the Michigan penal code,
7 1931 PA 328, MCL 750.186a, regarding escape or attempted escape
8 from a juvenile facility, but only if the juvenile facility from
9 which the individual escaped or attempted to escape was 1 of the
10 following:

11 (i) A high-security or medium-security facility operated by the
12 department or a county juvenile agency.

13 (ii) A high-security facility operated by a private agency
14 under contract with the department or a county juvenile agency.

15 (D) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
16 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403.

17 (E) An attempt to commit a violation described in paragraphs
18 (A) to (D).

19 (F) Conspiracy to commit a violation described in paragraphs
20 (A) to (D).

21 (G) Solicitation to commit a violation described in paragraphs
22 (A) to (D).

23 (H) A lesser included offense of a violation described in
24 paragraphs (A) to (G) if the individual is charged with a violation
25 described in paragraphs (A) to (G).

26 (I) Another violation arising out of the same transaction as a
27 violation described in paragraphs (A) to (G) if the individual is
28 charged with a violation described in paragraphs (A) to (G).

29 (2) The juvenile has deserted ~~his or her~~ **the juvenile's** home

1 without sufficient cause, and the court finds on the record that
2 the juvenile has been placed or refused alternative placement or
3 the juvenile and the juvenile's parent, guardian, or custodian have
4 exhausted or refused family counseling.

5 (3) The juvenile is repeatedly disobedient to the reasonable
6 and lawful commands of ~~his or her~~ **the juvenile's** parents, guardian,
7 or custodian, and the court finds on the record by clear and
8 convincing evidence that court-accessed services are necessary.

9 (4) The juvenile willfully and repeatedly absents himself or
10 herself from school or other learning program intended to meet the
11 juvenile's educational needs, or repeatedly violates rules and
12 regulations of the school or other learning program, and the court
13 finds on the record that the juvenile, the juvenile's parent,
14 guardian, or custodian, and school officials or learning program
15 personnel have met on the juvenile's educational problems and
16 educational counseling and alternative agency help have been
17 sought. As used in this sub-subdivision only, "learning program"
18 means an organized educational program that is appropriate, given
19 the age, intelligence, ability, and psychological limitations of a
20 juvenile, in the subject areas of reading, spelling, mathematics,
21 science, history, civics, writing, and English grammar.

22 (b) Jurisdiction in proceedings concerning a juvenile under 18
23 years of age found within the county:

24 (1) Whose parent or other person legally responsible for the
25 care and maintenance of the juvenile, when able to do so, neglects
26 or refuses to provide proper or necessary support, education,
27 medical, surgical, or other care necessary for ~~his or her~~ **the**
28 **juvenile's** health or morals, who is subject to a substantial risk
29 of harm to ~~his or her~~ **the juvenile's** mental well-being, who is

1 abandoned by ~~his or her~~ **the juvenile's** parents, guardian, or other
 2 custodian, or who is without proper custody or guardianship. As
 3 used in this sub-subdivision:

4 (A) "Education" means learning based on an organized
 5 educational program that is appropriate, given the age,
 6 intelligence, ability, and psychological limitations of a juvenile,
 7 in the subject areas of reading, spelling, mathematics, science,
 8 history, civics, writing, and English grammar.

9 (B) "Neglect" means that term as defined in section 2 of the
 10 child abuse and neglect prevention act, 1982 PA 250, MCL 722.602.

11 (C) "Without proper custody or guardianship" does not mean a
 12 parent has placed the juvenile with another person who is legally
 13 responsible for the care and maintenance of the juvenile and who is
 14 able to and does provide the juvenile with proper care and
 15 maintenance.

16 (2) Whose home or environment, by reason of neglect, cruelty,
 17 drunkenness, criminality, or depravity on the part of a parent,
 18 guardian, nonparent adult, or other custodian, is an unfit place
 19 for the juvenile to live in. As used in this sub-subdivision,
 20 "neglect" means that term as defined in section 2 of the child
 21 abuse and neglect prevention act, 1982 PA 250, MCL 722.602.

22 (3) If the juvenile is dependent and is in danger of
 23 substantial physical or psychological harm. The juvenile may be
 24 found to be dependent when any of the following ~~occurs~~ **occur**:

25 (A) The juvenile is homeless or not domiciled with a parent or
 26 other legally responsible person.

27 (B) The juvenile has repeatedly run away from home and is
 28 beyond the control of a parent or other legally responsible person.

29 (C) The juvenile is alleged to have committed a commercial

1 sexual activity as that term is defined in section 462a of the
2 Michigan penal code, 1931 PA 328, MCL 750.462a or a delinquent act
3 that is the result of force, fraud, coercion, or manipulation
4 exercised by a parent or other adult.

5 (D) The juvenile's custodial parent or legally responsible
6 person has died or has become permanently incapacitated and no
7 appropriate parent or legally responsible person is willing and
8 able to provide care for the juvenile.

9 (4) Whose parent has substantially failed, without good cause,
10 to comply with a limited guardianship placement plan described in
11 section 5205 of the estates and protected individuals code, 1998 PA
12 386, MCL 700.5205, regarding the juvenile.

13 (5) Whose parent has substantially failed, without good cause,
14 to comply with a court-structured plan described in section 5207 or
15 5209 of the estates and protected individuals code, 1998 PA 386,
16 MCL 700.5207 and 700.5209, regarding the juvenile.

17 (6) If the juvenile has a guardian under the estates and
18 protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206,
19 and the juvenile's parent meets both of the following criteria:

20 (A) The parent, having the ability to support or assist in
21 supporting the juvenile, has failed or neglected, without good
22 cause, to provide regular and substantial support for the juvenile
23 for 2 years or more before the filing of the petition or, if a
24 support order has been entered, has failed to substantially comply
25 with the order for 2 years or more before the filing of the
26 petition. As used in this sub-subdivision, "neglect" means that
27 term as defined in section 2 of the child abuse and neglect
28 prevention act, 1982 PA 250, MCL 722.602.

29 (B) The parent, having the ability to visit, contact, or

1 communicate with the juvenile, has regularly and substantially
2 failed or neglected, without good cause, to do so for 2 years or
3 more before the filing of the petition. As used in this sub-
4 subdivision, "neglect" means that term as defined in section 2 of
5 the child abuse and neglect prevention act, 1982 PA 250, MCL
6 722.602.

7 If a petition is filed in the court alleging that a juvenile
8 is within the provisions of this subdivision and the custody of
9 that juvenile is subject to the prior or continuing order of
10 another court of record of this state, the manner of notice to the
11 other court of record and the authority of the court to proceed is
12 governed by rule of the supreme court.

13 (c) Jurisdiction over juveniles under 18 years of age,
14 jurisdiction of whom has been waived to the family division of
15 circuit court by a circuit court under a provision in a temporary
16 order for custody of juveniles based upon a complaint for divorce
17 or upon a motion related to a complaint for divorce by the
18 prosecuting attorney, in a divorce judgment dissolving a marriage
19 between the juvenile's parents, or by an amended judgment relative
20 to the juvenile's custody in a divorce.

21 (d) If the court finds on the record that voluntary services
22 have been exhausted or refused, concurrent jurisdiction in
23 proceedings concerning a juvenile between ~~the ages of 17 and 18~~
24 **years of age** found within the county who is 1 or more of the
25 following:

26 (1) Repeatedly addicted to the use of drugs or the intemperate
27 use of alcoholic liquors.

28 (2) Repeatedly associating with criminal, dissolute, or
29 disorderly persons.

1 (3) Found of ~~his or her~~ **the juvenile's** own free will and
2 knowledge in a house of prostitution, assignation, or ill-fame.

3 (4) Repeatedly associating with thieves, prostitutes, pimps,
4 or procurers.

5 (5) Willfully disobedient to the reasonable and lawful
6 commands of ~~his or her~~ **the juvenile's** parents, guardian, or other
7 custodian and in danger of becoming morally depraved.

8 If a juvenile is brought before the court in a county other
9 than that in which the juvenile resides, before a hearing and with
10 the consent of the judge of the court in the county of residence,
11 the court may enter an order transferring jurisdiction of the
12 matter to the court of the county of residence. Consent to transfer
13 jurisdiction is not required if the county of residence is a county
14 juvenile agency and satisfactory proof of residence is furnished to
15 the court of the county of residence. The order does not constitute
16 a legal settlement in this state that is required for the purpose
17 of section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
18 The order and a certified copy of the proceedings in the
19 transferring court must be delivered to the court of the county of
20 residence. A case designated as a case in which the juvenile must
21 be tried in the same manner as an adult under section 2d of this
22 chapter may be transferred for venue or for juvenile disposition,
23 but must not be transferred on grounds of residency. If the case is
24 not transferred, the court having jurisdiction of the offense shall
25 try the case.

26 (e) Authority to establish or assist in developing a program
27 or programs within the county to prevent delinquency and provide
28 services to act upon reports submitted to the court related to the
29 behavior of a juvenile who does not require formal court

1 jurisdiction but otherwise falls within subdivision (a). These
2 services must be used only if the juvenile and ~~his or her~~ **the**
3 **juvenile's** parents, guardian, or custodian voluntarily accepts
4 them.

5 (f) If the court operates a detention home for juveniles
6 within the court's jurisdiction under subdivision (a)(1), authority
7 to place a juvenile within that home pending trial if the juvenile
8 is within the circuit court's jurisdiction under section 606 of the
9 revised judicature act of 1961, 1961 PA 236, MCL 600.606, and if
10 the circuit court orders the family division of circuit court in
11 the same county to place the juvenile in that home. The family
12 division of circuit court shall comply with that order.

13 (g) Authority to place a juvenile in a county jail under
14 section 27a of chapter IV of the code of criminal procedure, 1927
15 PA 175, MCL 764.27a, if the court designates the case under section
16 2d of this chapter as a case in which the juvenile is to be tried
17 in the same manner as an adult and the court determines there is
18 probable cause to believe that the offense was committed and
19 probable cause to believe the juvenile committed that offense.

20 (h) Jurisdiction over a proceeding under section 2950 or 2950a
21 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950
22 and 600.2950a, in which a minor less than 18 years of age is the
23 respondent, or a proceeding to enforce a valid foreign protection
24 order issued against a respondent who is a minor less than 18 years
25 of age. A personal protection order must not be issued against a
26 respondent who is a minor less than 10 years of age. Venue for an
27 initial action under section 2950 or 2950a of the revised
28 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, is
29 proper in the county of residence of either the petitioner or

1 respondent. If the respondent does not live in this state, venue
 2 for the initial action is proper in the petitioner's county of
 3 residence.

4 ~~(i) In a proceeding under this chapter concerning a juvenile's~~
 5 ~~care and supervision, the court may issue orders affecting a party~~
 6 ~~as necessary. This subdivision does not apply after May 1, 2018. As~~
 7 ~~used in this subdivision, "party" means 1 of the following:~~

8 ~~(i) In a delinquency proceeding, the petitioner and juvenile.~~

9 ~~(ii) In a child protective proceeding, the petitioner,~~
 10 ~~department, child, respondent, parent, guardian, or legal~~
 11 ~~custodian, and any licensed child caring institution or child~~
 12 ~~placing agency under contract with the department to provide for a~~
 13 ~~juvenile's care and supervision.~~ **Concurrent jurisdiction over**
 14 **proceedings concerning a juvenile who is under 18 years of age and**
 15 **found committing a violation of the law of the United States on a**
 16 **United States military installation in this state that was ceded to**
 17 **the United States under 1942 (1st Ex Sess) PA 3, MCL 3.201 to**
 18 **3.203, if all of the following apply:**

19 (1) The United States has waived exclusive jurisdiction.

20 (2) The governor has requested and received jurisdiction under
 21 1987 PA 199, MCL 3.191 to 3.193.

22 (3) The violation of the law of the United States is also a
 23 crime under the laws of this state.

24 (4) Except for the location of the violation, the court would
 25 have jurisdiction over the juvenile under this section.