

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)

Act 175 of 1927

CHAPTER II

COURTS

762.1 Jurisdiction; existing courts and persons.

Sec. 1. The various courts and persons of this state now having jurisdiction and powers over criminal causes, shall have such jurisdiction and powers as are now conferred upon them by law, except as such jurisdiction and powers may be hereinafter repealed, enlarged or modified.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17119;—CL 1948, 762.1.

762.1a Justices and judges as conservators of the peace.

Sec. 1a. Justices of the supreme court, judges of the court of appeals, judges of the circuit court, judges of the recorder's court of the city of Detroit, judges of the traffic and ordinance division of the recorder's court of the city of Detroit, judges of a common pleas court, judges of the district court, and judges of municipal courts are conservators of the peace within their respective jurisdictions.

History: Add. 1980, Act 506, Imd. Eff. Jan. 22, 1981.

762.2 In-state prosecution for criminal offense; circumstances.

Sec. 2. (1) A person may be prosecuted for a criminal offense he or she commits while he or she is physically located within this state or outside of this state if any of the following circumstances exist:

(a) He or she commits a criminal offense wholly or partly within this state.

(b) His or her conduct constitutes an attempt to commit a criminal offense within this state.

(c) His or her conduct constitutes a conspiracy to commit a criminal offense within this state and an act in furtherance of the conspiracy is committed within this state by the offender, or at his or her instigation, or by another member of the conspiracy.

(d) A victim of the offense or an employee or agent of a governmental unit posing as a victim resides in this state or is located in this state at the time the criminal offense is committed.

(e) The criminal offense produces substantial and detrimental effects within this state.

(2) A criminal offense is considered under subsection (1) to be committed partly within this state if any of the following apply:

(a) An act constituting an element of the criminal offense is committed within this state.

(b) The result or consequences of an act constituting an element of the criminal offense occur within this state.

(c) The criminal offense produces consequences that have a materially harmful impact upon the system of government or the community welfare of this state, or results in persons within this state being defrauded or otherwise harmed.

History: Add. 2002, Act 129, Eff. Apr. 22, 2002.

Compiler's note: Former MCL 762.2, which pertained to jurisdiction of justice of peace, was repealed by Act 506 of 1980, Imd. Eff. Jan. 22, 1981.

762.3 Jurisdiction; offenses near county lines.

Sec. 3. (1) Any offense committed on the boundary line of 2 counties, or within 1 mile of the dividing line between them, may be alleged in the indictment to have been committed, and may be prosecuted and punished in either county.

(2) If it appears to the attorney general that a felony has been committed within the state and that it is impossible to determine within which county it occurred, the offense may be alleged in the indictment to have been committed and may be prosecuted and punished in such county as the attorney general designates. The state shall bear all expenses of such prosecution. The responsibility and the authority with reference to all steps in the prosecution of such case shall be the same, as between the prosecuting attorney of the county so designated and the attorney general, as though it were an established fact that the alleged criminal acts, if committed at all, were committed within that county.

(3) With regard to state offenses cognizable by the examining magistrate and to examinations conducted for offenses not cognizable by the examining magistrate, the following special provisions apply:

(a) If an offense is committed on the boundary of 2 or more counties, districts or political subdivisions or within 1 mile thereof, venue is proper in any of the counties, districts or political subdivisions concerned.

(b) If an offense is committed in or upon any railroad train, automobile, aircraft, vessel or other conveyance in transit, and it cannot readily be determined in which county, district or political subdivision the

offense was committed, venue is proper in any county, district or political subdivision through or over which the conveyance passed in the course of its journey.

(c) Except as otherwise provided in subdivision (b), if it appears to the attorney general that the alleged state offense has been committed within the state and that it is impossible to determine within which county, district or political subdivision it occurred, the violation may be alleged to have been committed and may be prosecuted and punished or the examination conducted in such county, district or political subdivision as the attorney general designates. The responsibility and the authority with reference to all steps in the prosecution of such case shall be the same, as between the prosecuting attorney of the county so designated and the attorney general, as though it were an established fact that the alleged criminal acts, if committed at all, were committed within that county, district or political subdivision.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17121;—Am. 1935, Act 151, Imd. Eff. June 4, 1935;—CL 1948, 762.3;—Am. 1970, Act 213, Imd. Eff. Oct. 4, 1970.

Former law: See section 6 of Ch. 161 of R.S. 1846, being CL 1857, § 5942; CL 1871, § 7804; How., § 9418; CL 1897, § 11779; CL 1915, § 15606; and Act 399 of 1921.

762.4 Jurisdiction; court of record; offense near boundary line.

Sec. 4. Whenever any court of record having criminal jurisdiction, the boundaries of whose jurisdiction as fixed by statute are not coincident with the boundary lines of a county or counties, shall take jurisdiction or have pending before it any trial or cause arising out of the commission of an offense at, on or near to the boundary line of the jurisdiction of said court, the jurisdiction of said court shall not be questioned, after the swearing of the jury, unless the evidence shall show the offense to have been committed more than 100 rods outside of the boundary of the jurisdiction of said court as fixed by statute.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17122;—CL 1948, 762.4.

Former law: See Act 399 of 1921.

762.5 Jurisdiction; fatal force and death in different counties.

Sec. 5. If any mortal wound shall be given or other violence or injury shall be inflicted, or any poison shall be administered in 1 county by means whereof death shall ensue in another county, the offense may be prosecuted and punished in either county.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17123;—CL 1948, 762.5.

Former law: See section 7 of Ch. 161 of R.S. 1846, being CL 1857, § 5943; CL 1871, § 7805; How., § 9419; CL 1897, § 11780; and CL 1915, § 15607.

762.6 Jurisdiction; fatal force inflicted on high seas or navigable rivers.

Sec. 6. If any such mortal wound shall be given, or other violence or injury shall be inflicted or poison administered on the high seas, or in any other navigable waters, or on land, either within or without the limits of this state, by means whereof death shall ensue in any county thereof, such offense may be prosecuted and punished in the county where such death shall have ensued.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17124;—CL 1948, 762.6.

Former law: See section 8 of Ch. 161 of R.S. 1846, being CL 1857, § 5944; CL 1871, § 7806; How., § 9420; CL 1897, § 11780; and CL 1915, § 15608.

762.7 Jurisdiction; change of venue, procedure; saving clause.

Sec. 7. Each court of record having jurisdiction of criminal cases upon good cause shown by either party may change the venue in any cause pending therein, and direct the issue to be tried in the circuit court of another county, and make all necessary rules and orders for the certifying and removing such cause, and all matters relating thereto, to the court in which such issue shall be ordered to be tried, and the court to which such cause shall be so removed shall proceed to hear, try and determine the same, and execution may thereupon be had in the same manner as if the same had been prosecuted in the court having original jurisdiction of such cause, except that in all causes when the defendant shall be convicted and be sentenced to imprisonment in the county jail or to pay a fine, or to both such imprisonment and fine, the court awarding such sentence shall have authority to direct and shall direct that the defendant be imprisoned in the county jail of the county in which such prosecution commenced; and that such fine, when paid, shall be paid over to the county treasurer of the county in which such prosecution commenced, in the same manner as is now provided by law for paying over fines to county treasurers; and in every case where a change of venue is ordered, all expenses of such trial shall be a charge upon the county in which the prosecution originated; and when there shall be a disagreement of the jury on the trial of any criminal cause in the circuit court to which such cause was ordered for trial, the circuit judge before whom the same was tried, if he shall deem that the public good

requires the same, may, upon cause shown by either party, order and direct the issue to be tried in the circuit court of another county in the state; and the court to which such cause shall be removed shall proceed to hear, try and determine the same in the same manner and with like effect as was pursued by the circuit court making such order: Provided, That in any and all suits, proceedings, causes or actions now pending in any of the circuit courts of this state, whether the court has general or special jurisdiction, a change of venue may be had in the manner provided and in accordance with section 10 of Act No. 157 of the Public Acts of 1851, as amended by Act No. 309 of the Public Acts of 1905 and the provisions of said act shall be continued in full force and effect for such purpose: Provided further, That in all suits, proceedings, causes or actions in which a change of venue has been granted, the court to which such suit, proceeding, cause or action has been transferred, shall retain jurisdiction.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17125;—CL 1948, 762.7.

Former law: See section 10 of Act 157 of 1851, being CL 1857, § 3420; CL 1871, § 4946; How., § 6468; CL 1897, § 309; CL 1915, § 14563; Act 12 of 1871; Act 88 of 1879; Act 309 of 1905; Act 161 of 1907; and Act 67 of 1909.

762.8 Jurisdiction; felony consisting of 2 or more acts.

Sec. 8. Whenever a felony consists or is the culmination of 2 or more acts done in the perpetration of that felony, the felony may be prosecuted in any county where any of those acts were committed or in any county that the defendant intended the felony or acts done in perpetration of the felony to have an effect.

History: Add. 1929, Act 24, Imd. Eff. Apr. 2, 1929;—CL 1929, 17126;—CL 1948, 762.8;—Am. 2013, Act 128, Imd. Eff. Oct. 9, 2013.

762.9 Jurisdiction; felony on moving vessel or vehicle.

Sec. 9. Whenever a felony has been committed on a railroad train, automobile, aircraft, vessel or other moving vehicle, said offense may be prosecuted in any county, city or jurisdiction in which such conveyance was during the journey in the course of which said offense was committed.

History: Add. 1929, Act 24, Imd. Eff. Apr. 2, 1929;—CL 1929, 17127;—CL 1948, 762.9.

762.10 Jurisdiction; embezzlement.

Sec. 10. In all prosecutions for the crime of embezzlement said offense may be prosecuted either in the jurisdiction in which the property is received by the person charged or the jurisdiction in which it was the duty of such person to deliver, re-deliver or return said property.

History: Add. 1929, Act 24, Imd. Eff. Apr. 2, 1929;—CL 1929, 17128;—CL 1948, 762.10.

762.10a Violation of MCL 750.219a and 750.540g; jurisdiction.

Sec. 10a. A violation of section 219a or 540g of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.219a and 750.540g of the Michigan Compiled Laws, may be prosecuted in the jurisdiction in which the telecommunication or telecommunications service originated or terminated or in the jurisdiction to which the bill for the telecommunications service was or would have been sent.

History: Add. 1996, Act 331, Eff. Apr. 1, 1997.

762.10b Violation of MCL 752.791 to 752.797; jurisdiction.

Sec. 10b. If a person violates Act No. 53 of the Public Acts of 1979, being sections 752.791 to 752.797 of the Michigan Compiled Laws, by accessing or causing access to be made to a computer, computer program, computer system, or computer network in 1 jurisdiction from another jurisdiction, the offense may be prosecuted in either jurisdiction.

History: Add. 1996, Act 332, Eff. Apr. 1, 1997.

762.10c Identity theft; prosecution; jurisdiction.

Sec. 10c. (1) Except as otherwise provided in subsection (3), conduct prohibited by law, or former law, and listed in subsection (2) may be prosecuted in 1 of the following jurisdictions:

- (a) The jurisdiction in which the offense occurred.
- (b) The jurisdiction in which the information used to commit the violation was illegally used.
- (c) The jurisdiction in which the victim resides.

(2) Jurisdiction described under subsection (1) applies to conduct prohibited under 1 or more of the following laws and to conduct that is done in furtherance of or arising from the same transaction as conduct prohibited under 1 or more of the following laws:

- (a) The identity theft protection act, 2004 PA 452, MCL 445.61 to 445.79c.
- (b) Former section 285 of the Michigan penal code, 1931 PA 328.
- (c) Section 5 of 1972 PA 222, MCL 28.295.

(d) Section 310(7) or 903 of the Michigan vehicle code, 1949 PA 300, MCL 257.310 and 257.903.

(e) Section 157n, 157p, 157q, 157r, 157v, 157w, 218, 219a, 219e, 248, 248a, 249, 362, 363, or 539k of the Michigan penal code, 1931 PA 328, MCL 750.157n, 750.157p, 750.157q, 750.157r, 750.157v, 750.157w, 750.218, 750.219a, 750.219e, 750.248, 750.248a, 750.249, 750.362, 750.363, and 750.539k.

(3) If a person is charged with more than 1 violation of the identity theft protection act, 2004 PA 452, MCL 445.61 to 445.79c, or section 539k of the Michigan penal code, 1931 PA 321, MCL 750.539k, and those violations may be prosecuted in more than 1 jurisdiction, any of those jurisdictions is a proper jurisdiction for all of the violations.

History: Add. 2004, Act 453, Eff. Mar. 1, 2005;—Am. 2010, Act 316, Eff. Apr. 1, 2011;—Am. 2013, Act 215, Eff. Apr. 1, 2014.

762.10d Bench warrants; voluntary presentment; arraignment process; exceptions; definitions.

Sec. 10d. (1) Except in cases in which the person is alleged to have committed an assaultive crime or an offense involving domestic violence, a person who is wanted on a bench warrant or a warrant of arrest who voluntarily goes to the court that issued the warrant within 1 year of the warrant issuance must be processed by the court according to this section.

(2) If a judicial officer is available to arraign the person on the warrant within 2 hours of the person's appearance, the court must arraign the person and set the case for the next stage of criminal proceedings. It must be presumed that the person is not a flight risk when the court sets bond or other conditions of release at an arraignment under this subsection.

(3) If a judicial officer is not available to arraign the person on the warrant within 2 hours of the person's appearance, the court shall recall the warrant and schedule the case for future arraignment.

(4) A court may deny a person the benefit of the procedure provided for in this section if the person has already benefitted from the procedure on any pending criminal charges.

(5) As used in this section:

(a) "Assaultive crime" includes any of the following:

(i) A violation described in section 9a of chapter X.

(ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90g, not otherwise included in subparagraph (i).

(iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, and 750.411h, or any other violent felony.

(iv) A violation of a law of another state or of a political subdivision of this state or of another state that substantially corresponds to a violation described in subparagraph (i), (ii), or (iii).

(b) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.

(c) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236.

History: Add. 2020, Act 394, Eff. Apr. 1, 2021;—Am. 2023, Act 208, Eff. Feb. 13, 2024.

762.11 Criminal offense by individual between ages 17 and 24 before October 1, 2021 and 18 and 26 beginning October 1, 2021; assignment to status of youthful trainee; consent of prosecuting attorney; exceptions; employment or school attendance; electronic monitoring; definitions.

Sec. 11. (1) Until October 1, 2021 and except as provided in subsections (3) and (4), if an individual pleads guilty to a criminal offense, committed on or after the individual's 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 individual to the status of youthful trainee. If the offense was committed on or after the individual's twenty-first birthday but before his or her twenty-fourth birthday, the individual must not be assigned to youthful trainee status without the consent of the prosecuting attorney.

(2) Beginning October 1, 2021, except as provided in subsections (3) and (4), if an individual pleads guilty to a criminal offense, committed on or after the individual's eighteenth birthday but before his or her twenty-sixth 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 individual to the status of youthful trainee. If the offense was committed on or after the individual's twenty-first birthday but before his or her twenty-sixth birthday, the individual must not be assigned to youthful trainee status without the consent of the prosecuting attorney. If a defendant is charged with an offense listed under subsection (3) and the defendant pleads guilty to any other offense or will be eligible for the status of youthful trainee under

subsection (4), the prosecutor shall consult with the victim regarding the applicability of this section.

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

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

(b) A major controlled substance offense.

(c) A traffic offense.

(d) A violation, attempted violation, or conspiracy to violate 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) 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 Michigan penal code, 1931 PA 328, MCL 750.520e.

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

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

(7) As used in this section:

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

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

History: Add. 1966, Act 301, Eff. Jan. 1, 1967;—Am. 1978, Act 77, Eff. Sept. 1, 1978;—Am. 1988, Act 4, Imd. Eff. Feb. 5, 1988;—Am. 1993, Act 293, Eff. Jan. 1, 1994;—Am. 2004, Act 239, Eff. Oct. 1, 2004;—Am. 2015, Act 31, Eff. Aug. 18, 2015;—Am. 2019, Act 100, Eff. Oct. 1, 2021;—Am. 2020, Act 396, Eff. Mar. 24, 2021.

762.12 Termination or revocation as youthful trainee; effect.

Sec. 12. (1) Subject to subsection (2), the court of record having jurisdiction over the criminal offense referred to in section 11 of this chapter may, at any time, terminate its consideration of the individual as a youthful trainee or, once having assigned the individual to the status of a youthful trainee, may at its discretion revoke that status any time before the individual's final release.

(2) If the court assigns an individual to youthful trainee status, the court shall revoke that status if the individual pleads guilty to or is convicted of any of the following during the period of assignment:

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

(b) A major controlled substance offense.

(c) A violation, attempted violation, or conspiracy to violate section 82, 84, 88, 110a, 224f, 226, 227, 227a, 227b, 520b, 520c, 520d, 520e, 529a, or 530 of the Michigan penal code, 1931 PA 328, MCL 750.82, 750.84, 750.88, 750.110a, 750.224f, 750.226, 750.227, 750.227a, 750.227b, 750.520b, 750.520c, 750.520d, 750.520e,

750.529a, and 750.530, other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d and 750.520e.

(d) 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.

(e) A firearm offense. As used in this subdivision, "firearm offense" means a crime involving a firearm as that term is defined in section 1 of 1927 PA 372, MCL 28.421, whether or not the possession, use, transportation, or concealment of a firearm is an element of the crime.

(3) If an individual who is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, willfully violates that act, the court shall revoke the individual's status as a youthful trainee. Upon termination of consideration or revocation of status as a youthful trainee, the court may enter an adjudication of guilt and proceed as provided by law. If the status of youthful trainee is revoked, an adjudication of guilt is entered, and a sentence is imposed, the court in imposing sentence shall specifically grant credit against the sentence for time served as a youthful trainee in an institutional facility of the department of corrections or in a county jail.

History: Add. 1966, Act 301, Eff. Jan. 1, 1967;—Am. 1993, Act 293, Eff. Jan. 1, 1994;—Am. 1994, Act 286, Eff. Oct. 1, 1995;—Am. 2015, Act 32, Eff. Aug. 18, 2015.

762.13 Assignment as youthful trainee; duties of court; fees; waiver of fee; "electronic monitoring device" defined.

Sec. 13. (1) If an individual is assigned to the status of a youthful trainee and the underlying charge is an offense punishable by imprisonment for a term of more than 1 year, the court shall do 1 of the following:

(a) Except as provided in subsection (2), commit the individual to the department of corrections for custodial supervision and training for not more than 2 years. If the individual is less than 21 years of age, he or she must be committed to an institutional facility designated by the department for that purpose.

(b) Place the individual on probation for not more than 3 years subject to probation conditions as provided in section 3 of chapter XI. The terms and conditions of probation may include participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1088.

(c) Commit the individual to the county jail for not more than 1 year.

(d) Except as provided in subsection (2), commit the individual to the department of corrections under subdivision (a) or to the county jail under subdivision (c), and then place the individual on probation for not more than 1 year subject to probation conditions as provided in section 3 of chapter XI.

(2) An individual assigned to the status of youthful trainee must not be committed to the department of corrections for custodial supervision and training under subsection (1)(a) or (d) if the underlying charge is for a violation of any of the following:

(a) Article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545.

(b) Section 110, 110a(4), 157n to 157v, 157w(1)(c), 227, 356, 357, 413, 530, or 535(3) or (7) of the Michigan penal code, 1931 PA 328, MCL 750.110, 750.110a, 750.157n to 750.157v, 750.157w, 750.227, 750.356, 750.357, 750.413, 750.530, and 750.535.

(3) If an individual is assigned to the status of youthful trainee and the underlying charge is for an offense punishable by imprisonment for 1 year or less, the court shall place the individual on probation for not more than 2 years, subject to probation conditions as provided in section 3 of chapter XI.

(4) An individual placed on probation under this section must be under the supervision of a probation officer. Upon commitment to and receipt by the department of corrections, a youthful trainee is subject to the direction of the department of corrections. If an individual is placed on probation following a commitment to the department of corrections under subsection (1)(d), a youthful trainee must be reassigned to the supervision of a probation officer.

(5) If an individual is committed to the county jail under subsection (1)(c) or (d) or as a probation condition, the court may authorize work release or release for educational purposes.

(6) Except as provided in subsection (7), the court shall include in each order of probation for an individual placed on probation under this section that the department of corrections collect a probation supervision fee of \$30.00 multiplied by the number of months of probation ordered, but not more than 36 months, if the individual is placed on probation supervision without an electronic monitoring device. If the individual is placed on probation supervision under this subsection with an electronic monitoring device, the court shall include in its order of probation that the department of corrections collect a probation supervision fee of \$60.00 multiplied by the number of months of probation ordered, but not more than 36 months. The fee is

payable when the probation order is entered, but the fee may be paid in monthly installments if the court approves installment payments for that probationer. The fee must be collected as provided in section 25a of the corrections code of 1953, 1953 PA 232, MCL 791.225a. A person must not be subject to more than 1 supervision fee at the same time. If a supervision fee is ordered for a person for any month or months during which that person already is subject to a supervision fee, the court shall waive the fee having the shorter remaining duration.

(7) The court may waive the fee required to be collected under this section if the court determines the supervised individual is indigent.

(8) As used in this section, "electronic monitoring device" includes any electronic device or instrument that is used to track the location of an individual, enforce a curfew, or detect the presence of alcohol in an individual's body.

History: Add. 1966, Act 301, Eff. Jan. 1, 1967;—Am. 1993, Act 185, Eff. Oct. 1, 1993;—Am. 1993, Act 293, Eff. Jan. 1, 1994;—Am. 1994, Act 286, Eff. Oct. 1, 1995;—Am. 2002, Act 483, Eff. Oct. 1, 2002;—Am. 2004, Act 226, Eff. Jan. 1, 2005;—Am. 2004, Act 239, Eff. Oct. 1, 2004;—Am. 2015, Act 33, Eff. Aug. 18, 2015;—Am. 2019, Act 165, Eff. Mar. 19, 2020.

Compiler's note: Enacting section 2 of Act 33 of 2015 provides:

"Enacting section 2. This amendatory act applies to cases in which an individual is assigned to youthful trainee status on or after the effective date of this amendatory act."

762.14 Discharge of individual and dismissal of proceedings upon final release; assignment as youthful trainee not conviction; compliance with sex offenders registration; proceedings closed to public inspection; inspection by courts, state departments, and law enforcement personnel.

Sec. 14. (1) If consideration of an individual as a youthful trainee is not terminated and the status of youthful trainee is not revoked as provided in section 12 of this chapter, upon final release of the individual from the status as youthful trainee, the court shall discharge the individual and dismiss the proceedings.

(2) An assignment of an individual to the status of youthful trainee as provided in this chapter is not a conviction for a crime and, except as provided in subsection (3), the individual assigned to the status of youthful trainee shall not suffer a civil disability or loss of right or privilege following his or her release from that status because of his or her assignment as a youthful trainee.

(3) An individual assigned to youthful trainee status before October 1, 2004 for a listed offense enumerated in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, is required to comply with the requirements of that act.

(4) Unless the court enters a judgment of conviction against the individual for the criminal offense under section 12 of this chapter, all proceedings regarding the disposition of the criminal charge and the individual's assignment as youthful trainee shall be closed to public inspection, but shall be open to the courts of this state, the department of corrections, the family independence agency, law enforcement personnel and, beginning January 1, 2005, prosecuting attorneys for use only in the performance of their duties.

History: Add. 1966, Act 301, Eff. Jan. 1, 1967;—Am. 1993, Act 293, Eff. Jan. 1, 1994;—Am. 1994, Act 286, Eff. Oct. 1, 1995;—Am. 2004, Act 226, Eff. Jan. 1, 2005;—Am. 2004, Act 239, Eff. Oct. 1, 2004.

762.15 Applicability to individuals over fourteen.

Sec. 15. This chapter also applies to an individual over 14 years of age whose jurisdiction has been waived under section 27 of chapter IV.

History: Add. 1966, Act 301, Eff. Jan. 1, 1967;—Am. 1993, Act 293, Eff. Jan. 1, 1994;—Am. 1996, Act 255, Eff. Jan. 1, 1997.

762.16 Holmes youthful trainee act; short title.

Sec. 16. Sections 11 to 15 shall be known as the "Holmes youthful trainee act."

History: Add. 1966, Act 301, Eff. Jan. 1, 1967.