

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

764.27a Juvenile taken into custody or detained; prohibitions; confinement of juvenile in county jail; other confinement; credit for time served.

Sec. 27a. (1) A juvenile, other than a juvenile confined under subsection (3), must not be confined in a police station, prison, jail, lock-up, or reformatory, or be transported with, or compelled or permitted to associate or mingle with, criminal persons while awaiting trial.

(2) A juvenile, other than a juvenile confined under subsection (3), whose habits or conduct are considered to be a menace to other children, or who may not otherwise be safely detained, may be ordered by a court to be placed in a jail or other place of detention for adults, but in a room or ward out of sight and sound from adults.

(3) A juvenile or individual less than 18 years of age who is under the jurisdiction of the circuit court for committing a felony may be confined in the county jail pending trial. An individual less than 18 years of age who is under the jurisdiction of the probate court for committing a felony may be held in the county jail pending trial if the case is designated by the court under section 2d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d, as a case in which the individual is to be tried in the same manner as an adult and the court has determined that there is probable cause to believe that the felony was committed and that there is probable cause to believe the individual committed that felony. If a juvenile or individual less than 18 years of age is confined in the county jail under this subsection, the juvenile or individual less than 18 years of age must be held physically separate from adult prisoners. A juvenile or individual less than 18 years of age must not be confined in the county jail under this subsection without the prior approval of the county sheriff. As used in this subsection, "felony" means a crime that is designated by law as a felony or that is punishable by imprisonment for more than 1 year.

(4) The court, upon motion of a juvenile or individual less than 18 years of age who is subject to confinement under subsection (3) may, for good cause shown, order the juvenile or individual less than 18 years of age to be confined as otherwise provided by law.

(5) If a person is convicted of a crime within this state and has served time in a juvenile facility before sentencing because of being denied or being unable to furnish bond for the offense of which he or she is convicted, the trial court in imposing sentence shall specifically grant credit against the sentence for time served in a juvenile facility before sentencing.

History: Add. 1988, Act 67, Eff. Oct. 1, 1988;—Am. 1996, Act 254, Eff. Jan. 1, 1997;—Am. 2019, Act 105, Eff. Oct. 1, 2021.

Compiler's note: Section 3 of Act 67 of 1988 provides: "This amendatory act shall take effect June 1, 1988." This section was amended by Act 173 of 1988 to read as follows: "This amendatory act shall take effect October 1, 1988."