



HOUSE BILL No. 5356

February 15, 2000, Introduced by Reps. Schermesser, DeHart, Rivet, DeRossett, Bogardus, Bovin, Hale and Scott and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
(MCL 701.1 to 712A.32) by adding section 181 to chapter XII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XII

SEC. 181. (1) IF A JUVENILE IS FOUND TO BE WITHIN THE
COURT'S JURISDICTION UNDER SECTION 2(A)(1) OF THIS CHAPTER FOR AN
OFFENSE THAT, IF COMMITTED BY AN ADULT, WOULD BE A VIOLATION OF
SECTION 411A(2) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
750.411A, HAVING TO DO WITH A FALSE REPORT OF A CRIME RELATING TO
A BOMBING, BOTH OF THE FOLLOWING APPLY:

(A) THE COURT SHALL ORDER THAT THE JUVENILE BE EVALUATED TO
DETERMINE THE NEED FOR PSYCHIATRIC OR PSYCHOLOGICAL COUNSELING,
AND, IF DETERMINED APPROPRIATE BY THE COURT, TO RECEIVE
PSYCHIATRIC OR PSYCHOLOGICAL COUNSELING.

1 (B) THE COURT SHALL ORDER THE JUVENILE TO PAY TO THE LOCAL
2 UNIT OF GOVERNMENT THE COSTS OF RESPONDING TO THE FALSE REPORT
3 INCLUDING, BUT NOT LIMITED TO, USE OF POLICE OR FIRE EMERGENCY
4 RESPONSE VEHICLES AND PERSONNEL.

5 (2) IF THE COURT DETERMINES THAT THE JUVENILE IS OR WILL BE
6 UNABLE TO PAY ALL OF THE RESTITUTION ORDERED UNDER SUBSECTION
7 (1)(B), AFTER NOTICE TO THE JUVENILE'S PARENT OR PARENTS AND AN
8 OPPORTUNITY FOR THE PARENT OR PARENTS TO BE HEARD, THE COURT MAY
9 ORDER THE PARENT OR PARENTS HAVING SUPERVISORY RESPONSIBILITY FOR
10 THE JUVENILE AT THE TIME OF THE OFFENSE TO PAY ANY PORTION OF THE
11 RESTITUTION ORDERED THAT IS OUTSTANDING. AN ORDER UNDER THIS
12 SUBSECTION DOES NOT RELIEVE THE JUVENILE OF HIS OR HER OBLIGATION
13 TO PAY RESTITUTION AS ORDERED, BUT THE AMOUNT OWED BY THE JUVE-
14 NILE SHALL BE OFFSET BY ANY AMOUNT PAID BY HIS OR HER PARENT. AS
15 USED IN THIS SUBSECTION, "PARENT" DOES NOT INCLUDE A FOSTER
16 PARENT. IF THE COURT ORDERS A PARENT TO PAY RESTITUTION UNDER
17 THIS SUBSECTION, THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL
18 RESOURCES OF THE PARENT AND THE BURDEN THAT THE PAYMENT OF RESTI-
19 TUTION WILL IMPOSE, WITH DUE REGARD TO ANY OTHER MORAL OR LEGAL
20 FINANCIAL OBLIGATIONS THAT THE PARENT MAY HAVE AND SHALL PROVIDE
21 FOR PAYMENT TO BE MADE IN SPECIFIED INSTALLMENTS AND WITHIN A
22 SPECIFIED PERIOD OF TIME. A PARENT WHO HAS BEEN ORDERED TO PAY
23 RESTITUTION UNDER THIS SUBSECTION MAY PETITION THE COURT FOR A
24 MODIFICATION OF THE AMOUNT OF RESTITUTION OWED BY THE PARENT OR
25 FOR A CANCELLATION OF ANY UNPAID PORTION OF THE PARENT'S
26 OBLIGATION. THE COURT SHALL CANCEL ALL OR PART OF THE PARENT'S

1 OBLIGATION DUE IF THE COURT DETERMINES THAT PAYMENT OF THE AMOUNT
2 DUE WILL IMPOSE A MANIFEST HARDSHIP ON THE PARENT.

3 (3) THIS SECTION DOES NOT PRECLUDE THE COURT FROM ENTERING
4 ANY OTHER ORDER OF DISPOSITION ALLOWED UNDER THIS CHAPTER.