

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1235 (Substitute S-1 as reported)
Sponsor: Senator Bill Bullard, Jr.
Committee: Judiciary

CONTENT

The bill would amend the Juvenile Diversion Act to specify that, if a juvenile were diverted from the family division of circuit court (family court) under certain circumstances, the court intake worker and the law enforcement officer would have to hold a conference to review the minor's diversion 180 days after the diversion agreement was entered into. At that conference, the intake worker and law enforcement officer would have to determine whether the minor had complied with the terms of the diversion agreement and referral plan.

The Act provides that, if a minor fails to comply with the terms of a diversion agreement and referral plan, the law enforcement official or the court intake worker may revoke the agreement. If the diversion agreement is revoked, a petition may be filed with the family court and authorized by that court. Under the bill, a diversion agreement could not be revoked later than 30 days after the date of the diversion review conference required by the bill.

The bill also specifies that any diversion of a minor under the Act would have to comply with the Crime Victim's Rights Act.

(Under the Juvenile Diversion Act, a juvenile may be diverted from the family court system when he or she has been apprehended either for an act that would be a nonassaultive crime if committed by an adult or for a status offense (an act that would not be an offense if committed by an adult, such as truancy). A diversion agreement results from a conference between the law enforcement official or court intake worker and the juvenile and his or her parent, guardian, or custodian, in which the juvenile agrees to comply with the diversion agreement and referral plan, and the law enforcement agency or court worker agrees not to seek a family court petition. Under an agreement, the juvenile is referred to a person or organization that will assist the juvenile and his or her family to resolve the problem that led to the juvenile's apprehension.)

MCL 722.825

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on local units of government, depending on the number of cases, the current review procedures for diversion review conferences, and the availability of law enforcement officers for conferences. It appears that the bill would have no fiscal impact on the Family Independence Agency. At this time it is uncertain whether the Department has any involvement in handling the diversion program.

Date Completed: 4-18-02

Fiscal Analyst: Bill Bowerman
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