

HOUSE BILL No. 5513

December 14, 2005, Introduced by Rep. Condino and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 2d and 18 of chapter XIIIA (MCL 712A.2d and
712A.18), section 2d as amended by 1998 PA 478 and section 18 as
amended by 2004 PA 475.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIIA

1
2 Sec. 2d. (1) In a petition or amended petition alleging that a
3 juvenile is within the court's jurisdiction under section 2(a)(1)
4 of this chapter for a specified juvenile violation, the prosecuting
5 attorney may designate the case as a case in which the juvenile is
6 to be tried in the same manner as an adult. An amended petition
7 making a designation under this subsection shall be filed only by

1 leave of the court.

2 (2) In a petition alleging that a juvenile is within the
3 court's jurisdiction under section 2(a)(1) of this chapter for an
4 offense other than a specified juvenile violation, the prosecuting
5 attorney may request that the court designate the case as a case in
6 which the juvenile is to be tried in the same manner as an adult.
7 The court may designate the case following a hearing if it
8 determines that the best interests of the juvenile and the public
9 would be served by the juvenile being tried in the same manner as
10 an adult. In determining whether the best interests of the juvenile
11 and the public would be served, the court shall consider all of the
12 following factors, giving greater weight to the seriousness of the
13 alleged offense and the juvenile's prior delinquency record than to
14 the other factors:

15 (a) The seriousness of the alleged offense in terms of
16 community protection, including, but not limited to, the existence
17 of any aggravating factors recognized by the sentencing guidelines,
18 the use of a firearm or other dangerous weapon, and the impact on
19 any victim.

20 (b) The juvenile's culpability in committing the alleged
21 offense, including, but not limited to, the level of the juvenile's
22 participation in planning and carrying out the offense and the
23 existence of any aggravating or mitigating factors recognized by
24 the sentencing guidelines.

25 (c) The juvenile's prior record of delinquency including, but
26 not limited to, any record of detention, any police record, any
27 school record, or any other evidence indicating prior delinquent

1 behavior.

2 (d) The juvenile's programming history, including, but not
3 limited to, the juvenile's past willingness to participate
4 meaningfully in available programming.

5 (e) The adequacy of the punishment or programming available in
6 the juvenile justice system.

7 (f) The dispositional options available for the juvenile.

8 (3) If a case is designated under this section, the case shall
9 be set for trial in the same manner as the trial of an adult in a
10 court of general criminal jurisdiction unless a probable cause
11 hearing is required under subsection (4).

12 (4) If the petition in a case designated under this section
13 alleges an offense that if committed by an adult would be a felony
14 or punishable by imprisonment for more than 1 year, the court shall
15 conduct a probable cause hearing not later than 14 days after the
16 case is designated to determine whether there is probable cause to
17 believe the offense was committed and whether there is probable
18 cause to believe the juvenile committed the offense. This hearing
19 may be combined with the designation hearing under subsection (2)
20 for an offense other than a specified juvenile offense. A probable
21 cause hearing under this section is the equivalent of the
22 preliminary examination in a court of general criminal jurisdiction
23 and satisfies the requirement for that hearing. A probable cause
24 hearing shall be conducted by a judge other than the judge who will
25 try the case if the juvenile is tried in the same manner as an
26 adult.

27 (5) If the court determines there is probable cause to believe

1 the offense alleged in the petition was committed and probable
2 cause to believe the juvenile committed the offense, the case shall
3 be set for trial in the same manner as the trial of an adult in a
4 court of general criminal jurisdiction.

5 (6) If the court determines that an offense did not occur or
6 there is not probable cause to believe the juvenile committed the
7 offense, the court shall dismiss the petition. If the court
8 determines there is probable cause to believe another offense was
9 committed and there is probable cause to believe the juvenile
10 committed that offense, the court may further determine whether the
11 case should be designated as a case in which the juvenile should be
12 tried in the same manner as an adult as provided in subsection (2).
13 If the court designates the case, the case shall be set for trial
14 in the same manner as the trial of an adult in a court of general
15 criminal jurisdiction.

16 (7) If a case is designated under this section, the
17 proceedings are criminal proceedings and shall afford all
18 procedural protections and guarantees to which the juvenile would
19 be entitled if being tried for the offense in a court of general
20 criminal jurisdiction. A plea of guilty or nolo contendere or a
21 verdict of guilty shall result in entry of a judgment of
22 conviction. The conviction shall have the same effect and
23 liabilities as if it had been obtained in a court of general
24 criminal jurisdiction.

25 (8) Following a judgment of conviction, the court shall enter
26 a disposition or impose a sentence authorized under section
27 ~~18(1)(n)~~ **18(1)(M)** of this chapter.

1 (9) As used in this section, "specified juvenile violation"
2 means any of the following:

3 (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,
4 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,
5 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
6 750.349, 750.520b, 750.529, 750.529a, and 750.531.

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

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

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

16 (iii) An object that is likely to cause death or bodily injury
17 when used as a weapon and that is used as a weapon or carried or
18 possessed for use as a weapon.

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

22 (c) A violation of section 186a of the Michigan penal code,
23 1931 PA 328, MCL 750.186a, regarding escape or attempted escape
24 from a juvenile facility, but only if the juvenile facility from
25 which the juvenile escaped or attempted to escape was 1 of the
26 following:

27 (i) A high-security or medium-security facility operated by the

1 family independence agency or a county juvenile agency.

2 (ii) A high-security facility operated by a private agency
3 under contract with the family independence agency or a county
4 juvenile agency.

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

7 (e) An attempt to commit a violation described in subdivisions
8 (a) to (d).

9 (f) Conspiracy to commit a violation described in subdivisions
10 (a) to (d).

11 (g) Solicitation to commit a violation described in
12 subdivisions (a) to (d).

13 (h) Any lesser included offense of an offense described in
14 subdivisions (a) to (g) if the juvenile is alleged in the petition
15 to have committed an offense described in subdivisions (a) to (g).

16 (i) Any other offense arising out of the same transaction as
17 an offense described in subdivisions (a) to (g) if the juvenile is
18 alleged in the petition to have committed an offense described in
19 subdivisions (a) to (g).

20 Sec. 18. (1) If the court finds that a juvenile concerning
21 whom a petition is filed is not within this chapter, the court
22 shall enter an order dismissing the petition. Except as otherwise
23 provided in subsection (10), if the court finds that a juvenile is
24 within this chapter, the court may enter any of the following
25 orders of disposition that are appropriate for the welfare of the
26 juvenile and society in view of the facts proven and ascertained:

27 (a) Warn the juvenile or the juvenile's parents, guardian, or

1 custodian and, except as provided in subsection (7), dismiss the
2 petition.

3 (b) Place the juvenile on probation, or under supervision in
4 the juvenile's own home or in the home of an adult who is related
5 to the juvenile. As used in this subdivision, "related" means an
6 individual who is at least 18 years of age and related to the child
7 by blood, marriage, or adoption, as grandparent, great-grandparent,
8 great-great-grandparent, aunt or uncle, great-aunt or great-uncle,
9 great-great-aunt or great-great-uncle, sibling, stepsibling, nephew
10 or niece, first cousin or first cousin once removed, and the spouse
11 of any of the above, even after the marriage has ended by death or
12 divorce. A child may be placed with the parent of a man whom the
13 court has found probable cause to believe is the putative father if
14 there is no man with legally established rights to the child. This
15 placement of the child with the parent of a man whom the court has
16 found probable cause to believe is the putative father is for the
17 purposes of placement only and is not to be construed as a finding
18 of paternity or to confer legal standing. The court shall order the
19 terms and conditions of probation or supervision, including
20 reasonable rules for the conduct of the parents, guardian, or
21 custodian, if any, as the court determines necessary for the
22 physical, mental, or moral well-being and behavior of the juvenile.
23 The court may order that the juvenile participate in a juvenile
24 drug treatment court under chapter 10A of the revised judicature
25 act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082. The court also
26 shall order, as a condition of probation or supervision, that the
27 juvenile shall pay the minimum state cost prescribed by section 18m

1 of this chapter.

2 (c) If a juvenile is within the court's jurisdiction under
3 section 2(a) of this chapter, or under section 2(h) of this chapter
4 for a supplemental petition, place the juvenile in a suitable
5 foster care home subject to the court's supervision. If a juvenile
6 is within the court's jurisdiction under section 2(b) of this
7 chapter, the court shall not place a juvenile in a foster care home
8 subject to the court's supervision.

9 (d) Except as otherwise provided in this subdivision, place
10 the juvenile in or commit the juvenile to a private institution or
11 agency approved or licensed by the department of consumer and
12 industry services for the care of juveniles of similar age, sex,
13 and characteristics. If the juvenile is not a ward of the court,
14 the court shall commit the juvenile to the family independence
15 agency or, if the county is a county juvenile agency, to that
16 county juvenile agency for placement in or commitment to such an
17 institution or agency as the family independence agency or county
18 juvenile agency determines is most appropriate, subject to any
19 initial level of placement the court designates.

20 (e) Except as otherwise provided in this subdivision, commit
21 the juvenile to a public institution, county facility, institution
22 operated as an agency of the court or county, or agency authorized
23 by law to receive juveniles of similar age, sex, and
24 characteristics. If the juvenile is not a ward of the court, the
25 court shall commit the juvenile to the family independence agency
26 or, if the county is a county juvenile agency, to that county
27 juvenile agency for placement in or commitment to such an

1 institution or facility as the family independence agency or county
2 juvenile agency determines is most appropriate, subject to any
3 initial level of placement the court designates. If a child is not
4 less than 17 years of age and is in violation of a personal
5 protection order, the court may commit the child to a county jail
6 within the adult prisoner population. In a placement under
7 subdivision (d) or a commitment under this subdivision, except to a
8 state institution or a county juvenile agency institution, the
9 juvenile's religious affiliation shall be protected by placement or
10 commitment to a private child-placing or child-caring agency or
11 institution, if available. Except for commitment to the family
12 independence agency or a county juvenile agency, an order of
13 commitment under this subdivision to a state institution or agency
14 described in the youth rehabilitation services act, 1974 PA 150,
15 MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to 400.214,
16 the court shall name the superintendent of the institution to which
17 the juvenile is committed as a special guardian to receive benefits
18 due the juvenile from the government of the United States. An order
19 of commitment under this subdivision to the family independence
20 agency or a county juvenile agency shall name that agency as a
21 special guardian to receive those benefits. The benefits received
22 by the special guardian shall be used to the extent necessary to
23 pay for the portions of the cost of care in the institution or
24 facility that the parent or parents are found unable to pay.

25 (f) Provide the juvenile with medical, dental, surgical, or
26 other health care, in a local hospital if available, or elsewhere,
27 maintaining as much as possible a local physician-patient

1 relationship, and with clothing and other incidental items the
2 court determines are necessary.

3 (g) Order the parents, guardian, custodian, or any other
4 person to refrain from continuing conduct that the court determines
5 has caused or tended to cause the juvenile to come within or to
6 remain under this chapter or that obstructs placement or commitment
7 of the juvenile by an order under this section.

8 (h) Appoint a guardian under section 5204 of the estates and
9 protected individuals code, 1998 PA 386, MCL 700.5204, in response
10 to a petition filed with the court by a person interested in the
11 juvenile's welfare. If the court appoints a guardian as authorized
12 by this subdivision, it may dismiss the petition under this
13 chapter.

14 (i) Order the juvenile to engage in community service.

15 (j) If the court finds that a juvenile has violated a
16 municipal ordinance or a state or federal law, order the juvenile
17 to pay a civil fine in the amount of the civil or penal fine
18 provided by the ordinance or law. Money collected from fines levied
19 under this subsection shall be distributed as provided in section
20 29 of this chapter.

21 (k) If a juvenile is within the court's jurisdiction under
22 section 2(a)(1) of this chapter, order the juvenile's parent or
23 guardian to personally participate in treatment reasonably
24 available in the parent's or guardian's location.

25 (l) If a juvenile is within the court's jurisdiction under
26 section 2(a)(1) of this chapter, place the juvenile in and order
27 the juvenile to complete satisfactorily a program of training in a

1 juvenile boot camp established by the family independence agency
2 under the juvenile boot camp act, 1996 PA 263, MCL 400.1301 to
3 400.1309, as provided in that act. If the county is a county
4 juvenile agency, however, the court shall commit the juvenile to
5 that county juvenile agency for placement in the program under that
6 act. Upon receiving a report of satisfactory completion of the
7 program from the family independence agency, the court shall
8 authorize the juvenile's release from placement in the juvenile
9 boot camp. Following satisfactory completion of the juvenile boot
10 camp program, the juvenile shall complete an additional period of
11 not less than 120 days or more than 180 days of intensive
12 supervised community reintegration in the juvenile's local
13 community. To place or commit a juvenile under this subdivision,
14 the court shall determine all of the following:

15 (i) Placement in a juvenile boot camp will benefit the
16 juvenile.

17 (ii) The juvenile is physically able to participate in the
18 program.

19 (iii) The juvenile does not appear to have any mental handicap
20 that would prevent participation in the program.

21 (iv) The juvenile will not be a danger to other juveniles in
22 the boot camp.

23 (v) There is an opening in a juvenile boot camp program.

24 (vi) If the court must commit the juvenile to a county juvenile
25 agency, the county juvenile agency is able to place the juvenile in
26 a juvenile boot camp program.

27 (m) If the court entered a judgment of conviction under

1 section 2d of this chapter, enter any disposition under this
2 section or, if the court determines that the best interests of the
3 public would be served, impose any sentence upon the juvenile that
4 could be imposed upon an adult convicted of the offense for which
5 the juvenile was convicted, **OTHER THAN IMPRISONMENT FOR LIFE**
6 **WITHOUT PAROLE ELIGIBILITY.** If the juvenile is convicted of a
7 violation or conspiracy to commit a violation of section
8 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7403,
9 the court may impose the alternative sentence permitted under that
10 section if the court determines that the best interests of the
11 public would be served. The court may delay imposing a sentence of
12 imprisonment under this subdivision for a period not longer than
13 the period during which the court has jurisdiction over the
14 juvenile under this chapter by entering an order of disposition
15 delaying imposition of sentence and placing the juvenile on
16 probation upon the terms and conditions it considers appropriate,
17 including any disposition under this section. If the court delays
18 imposing sentence under this section, section 18i of this chapter
19 applies. If the court imposes sentence, it shall enter a judgment
20 of sentence. If the court imposes a sentence of imprisonment, the
21 juvenile shall receive credit against the sentence for time served
22 before sentencing. In determining whether to enter an order of
23 disposition or impose a sentence under this subdivision, the court
24 shall consider all of the following factors, giving greater weight
25 to the seriousness of the offense and the juvenile's prior record:
26 (i) The seriousness of the offense in terms of community
27 protection, including, but not limited to, the existence of any

1 aggravating factors recognized by the sentencing guidelines, the
2 use of a firearm or other dangerous weapon, and the impact on any
3 victim.

4 (ii) The juvenile's culpability in committing the offense,
5 including, but not limited to, the level of the juvenile's
6 participation in planning and carrying out the offense and the
7 existence of any aggravating or mitigating factors recognized by
8 the sentencing guidelines.

9 (iii) The juvenile's prior record of delinquency including, but
10 not limited to, any record of detention, any police record, any
11 school record, or any other evidence indicating prior delinquent
12 behavior.

13 (iv) The juvenile's programming history, including, but not
14 limited to, the juvenile's past willingness to participate
15 meaningfully in available programming.

16 (v) The adequacy of the punishment or programming available in
17 the juvenile justice system.

18 (vi) The dispositional options available for the juvenile.

19 (2) An order of disposition placing a juvenile in or
20 committing a juvenile to care outside of the juvenile's own home
21 and under state, county juvenile agency, or court supervision shall
22 contain a provision for reimbursement by the juvenile, parent,
23 guardian, or custodian to the court for the cost of care or
24 service. The order shall be reasonable, taking into account both
25 the income and resources of the juvenile, parent, guardian, or
26 custodian. The amount may be based upon the guidelines and model
27 schedule created under subsection (6). If the juvenile is receiving

1 an adoption support subsidy under sections 115f to 115m of the
2 social welfare act, 1939 PA 280, MCL 400.115f to 400.115m, the
3 amount shall not exceed the amount of the support subsidy. The
4 reimbursement provision applies during the entire period the
5 juvenile remains in care outside of the juvenile's own home and
6 under state, county juvenile agency, or court supervision, unless
7 the juvenile is in the permanent custody of the court. The court
8 shall provide for the collection of all amounts ordered to be
9 reimbursed and the money collected shall be accounted for and
10 reported to the county board of commissioners. Collections to cover
11 delinquent accounts or to pay the balance due on reimbursement
12 orders may be made after a juvenile is released or discharged from
13 care outside the juvenile's own home and under state, county
14 juvenile agency, or court supervision. Twenty-five percent of all
15 amounts collected under an order entered under this subsection
16 shall be credited to the appropriate fund of the county to offset
17 the administrative cost of collections. The balance of all amounts
18 collected under an order entered under this subsection shall be
19 divided in the same ratio in which the county, state, and federal
20 government participate in the cost of care outside the juvenile's
21 own home and under state, county juvenile agency, or court
22 supervision. The court may also collect from the government of the
23 United States benefits paid for the cost of care of a court ward.
24 Money collected for juveniles placed by the court with or committed
25 to the family independence agency or a county juvenile agency shall
26 be accounted for and reported on an individual juvenile basis. In
27 cases of delinquent accounts, the court may also enter an order to

1 intercept state or federal tax refunds of a juvenile, parent,
2 guardian, or custodian and initiate the necessary offset
3 proceedings in order to recover the cost of care or service. The
4 court shall send to the person who is the subject of the intercept
5 order advance written notice of the proposed offset. The notice
6 shall include notice of the opportunity to contest the offset on
7 the grounds that the intercept is not proper because of a mistake
8 of fact concerning the amount of the delinquency or the identity of
9 the person subject to the order. The court shall provide for the
10 prompt reimbursement of an amount withheld in error or an amount
11 found to exceed the delinquent amount.

12 (3) An order of disposition placing a juvenile in the
13 juvenile's own home under subsection (1)(b) may contain a provision
14 for reimbursement by the juvenile, parent, guardian, or custodian
15 to the court for the cost of service. If an order is entered under
16 this subsection, an amount due shall be determined and treated in
17 the same manner provided for an order entered under subsection (2).

18 (4) An order directed to a parent or a person other than the
19 juvenile is not effective and binding on the parent or other person
20 unless opportunity for hearing is given by issuance of summons or
21 notice as provided in sections 12 and 13 of this chapter and until
22 a copy of the order, bearing the seal of the court, is served on
23 the parent or other person as provided in section 13 of this
24 chapter.

25 (5) If the court appoints an attorney to represent a juvenile,
26 parent, guardian, or custodian, the court may require in an order
27 entered under this section that the juvenile, parent, guardian, or

1 custodian reimburse the court for attorney fees.

2 (6) The office of the state court administrator, under the
3 supervision and direction of the supreme court, shall create
4 guidelines that the court may use in determining the ability of the
5 juvenile, parent, guardian, or custodian to pay for care and any
6 costs of service ordered under subsection (2) or (3). The
7 guidelines shall take into account both the income and resources of
8 the juvenile, parent, guardian, or custodian.

9 (7) If the court finds that a juvenile comes under section 30
10 of this chapter, the court shall order the juvenile or the
11 juvenile's parent to pay restitution as provided in sections 30 and
12 31 of this chapter and in sections 44 and 45 of the crime victim's
13 rights act, 1985 PA 87, MCL 780.794 and 780.795.

14 (8) If the court imposes restitution as a condition of
15 probation, the court shall require the juvenile to do either of the
16 following as an additional condition of probation:

17 (a) Engage in community service or, with the victim's consent,
18 perform services for the victim.

19 (b) Seek and maintain paid employment and pay restitution to
20 the victim from the earnings of that employment.

21 (9) If the court finds that the juvenile is in intentional
22 default of the payment of restitution, a court may, as provided in
23 section 31 of this chapter, revoke or alter the terms and
24 conditions of probation for nonpayment of restitution. If a
25 juvenile who is ordered to engage in community service
26 intentionally refuses to perform the required community service,
27 the court may revoke or alter the terms and conditions of

1 probation.

2 (10) The court shall not enter an order of disposition for a
3 juvenile offense as defined in section 1a of 1925 PA 289, MCL
4 28.241a, or a judgment of sentence for a conviction until the court
5 has examined the court file and has determined that the juvenile's
6 fingerprints have been taken and forwarded as required by section 3
7 of 1925 PA 289, MCL 28.243, and as required by the sex offenders
8 registration act, 1994 PA 295, MCL 28.721 to 28.732. If a juvenile
9 has not had his or her fingerprints taken, the court shall do
10 either of the following:

11 (a) Order the juvenile to submit himself or herself to the
12 police agency that arrested or obtained the warrant for the
13 juvenile's arrest so the juvenile's fingerprints can be taken and
14 forwarded.

15 (b) Order the juvenile committed to the sheriff's custody for
16 taking and forwarding the juvenile's fingerprints.

17 (11) Upon final disposition, conviction, acquittal, or
18 dismissal of an offense within the court's jurisdiction under
19 section 2(a)(1) of this chapter, using forms approved by the state
20 court administrator, the clerk of the court entering the final
21 disposition, conviction, acquittal, or dismissal shall immediately
22 advise the department of state police of that final disposition,
23 conviction, acquittal, or dismissal as required by section 3 of
24 1925 PA 289, MCL 28.243. The report to the department of state
25 police shall include information as to the finding of the judge or
26 jury and a summary of the disposition or sentence imposed.

27 (12) If the court enters an order of disposition based on an

1 act that is a juvenile offense as defined in section 1 of 1989 PA
2 196, MCL 780.901, the court shall order the juvenile to pay the
3 assessment as provided in that act. If the court enters a judgment
4 of conviction under section 2d of this chapter for an offense that
5 is a felony, serious misdemeanor, or specified misdemeanor as
6 defined in section 1 of 1989 PA 196, MCL 780.901, the court shall
7 order the juvenile to pay the assessment as provided in that act.

8 (13) If the court has entered an order of disposition or a
9 judgment of conviction for a listed offense as defined in section 2
10 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the
11 court, the family independence agency, or the county juvenile
12 agency shall register the juvenile or accept the juvenile's
13 registration as provided in the sex offenders registration act,
14 1994 PA 295, MCL 28.721 to 28.732.

15 (14) If the court enters an order of disposition placing a
16 juvenile in a juvenile boot camp program, or committing a juvenile
17 to a county juvenile agency for placement in a juvenile boot camp
18 program, and the court receives from the family independence agency
19 a report that the juvenile has failed to perform satisfactorily in
20 the program, that the juvenile does not meet the program's
21 requirements or is medically unable to participate in the program
22 for more than 25 days, that there is no opening in a juvenile boot
23 camp program, or that the county juvenile agency is unable to place
24 the juvenile in a juvenile boot camp program, the court shall
25 release the juvenile from placement or commitment and enter an
26 alternative order of disposition. A juvenile shall not be placed in
27 a juvenile boot camp under an order of disposition more than once,

1 except that a juvenile returned to the court for a medical
2 condition, because there was no opening in a juvenile boot camp
3 program, or because the county juvenile agency was unable to place
4 the juvenile in a juvenile boot camp program may be placed again in
5 the juvenile boot camp program after the medical condition is
6 corrected, an opening becomes available, or the county juvenile
7 agency is able to place the juvenile.

8 (15) If the juvenile is within the court's jurisdiction under
9 section 2(a)(1) of this chapter for an offense other than a listed
10 offense as defined in section 2(e)(i) to (ix) and (xi) to (xiii) of the
11 sex offenders registration act, 1994 PA 295, MCL 28.722, the court
12 shall determine if the offense is a violation of a law of this
13 state or a local ordinance of a municipality of this state that by
14 its nature constitutes a sexual offense against an individual who
15 is less than 18 years of age. If so, the order of disposition is
16 for a listed offense as defined in section 2(e)(x) of the sex
17 offenders registration act, 1994 PA 295, MCL 28.722, and the court
18 shall include the basis for that determination on the record and
19 include the determination in the order of disposition.

20 (16) The court shall not impose a sentence of imprisonment in
21 the county jail under subsection (1)(m) unless the present county
22 jail facility for the juvenile's imprisonment would meet all
23 requirements under federal law and regulations for housing
24 juveniles. The court shall not impose the sentence until it
25 consults with the sheriff to determine when the sentence will begin
26 to ensure that space will be available for the juvenile.

27 (17) In a proceeding under section 2(h) of this chapter, this

1 section only applies to a disposition for a violation of a personal
2 protection order and subsequent proceedings.

3 (18) If a juvenile is within the court's jurisdiction under
4 section 2(a)(1) of this chapter, the court shall order the juvenile
5 to pay costs as provided in section 18m of this chapter.

6 (19) A juvenile who has been ordered to pay the minimum state
7 cost as provided in section 18m of this chapter as a condition of
8 probation or supervision and who is not in willful default of the
9 payment of the minimum state cost may petition the court at any
10 time for a remission of the payment of any unpaid portion of the
11 minimum state cost. If the court determines that payment of the
12 amount due will impose a manifest hardship on the juvenile or his
13 or her immediate family, the court may remit all or part of the
14 amount of the minimum state cost due or modify the method of
15 payment.

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 93rd Legislature are
18 enacted into law:

19 (a) Senate Bill No.____ or House Bill No. 5512(request no.
20 04358'05).

21 (b) Senate Bill No.____ or House Bill No. 5514(request no.
22 04358'05 b).

23 (c) Senate Bill No.____ or House Bill No. 5515(request no.
24 04358'05 c).