

HOUSE BILL No. 4659

May 25, 2017, Introduced by Rep. Santana and referred to the Committee on Law and Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 11 of chapter II (MCL 762.11), as amended by
2015 PA 31.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER II

Sec. 11. (1) Except as provided in subsections (2) and (3), if
an individual pleads guilty to a criminal offense, committed on or
after the individual's ~~seventeenth~~ **EIGHTEENTH** 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

1 trainee. If the offense was committed on or after the individual's
2 twenty-first birthday but before his or her twenty-fourth birthday,
3 the individual ~~shall~~**MUST** not be assigned to youthful trainee
4 status without the consent of the prosecuting attorney.

5 (2) Subsection (1) does not apply to any of the following:

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

8 (b) A major controlled substance offense.

9 (c) A traffic offense.

10 (d) A violation, attempted violation, or conspiracy to violate
11 section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931
12 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520e, other than
13 section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931
14 PA 328, MCL 750.520d and 750.520e.

15 (e) A violation, attempted violation, or conspiracy to violate
16 section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520g,
17 with the intent to commit a violation of section 520b, 520c, 520d,
18 or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520b,
19 750.520c, 750.520d, and 750.520e, other than section 520d(1)(a) or
20 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d
21 and 750.520e.

22 (3) The court shall not assign an individual to the status of
23 youthful trainee if any of the following apply:

24 (a) The individual was previously convicted of or adjudicated
25 for a listed offense for which registration is required under the
26 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736.

27 (b) If the individual is charged with a listed offense for

1 which registration is required under the sex offenders registration
2 act, 1994 PA 295, MCL 28.721 to 28.736, the individual fails to
3 carry the burden of proving by clear and convincing evidence that
4 he or she is not likely to engage in further listed offenses.

5 (c) The court determines that the offense involved any of the
6 following:

7 (i) A factor set forth in section 520b(1)(a) to (h) of the
8 Michigan penal code, 1931 PA 328, MCL 750.520b.

9 (ii) A factor set forth in section 520c(1)(a) to (l) of the
10 Michigan penal code, 1931 PA 328, MCL 750.520c.

11 (iii) A factor set forth in section 520d(1)(b) to ~~(e)~~ **(F)** of
12 the Michigan penal code, 1931 PA 328, MCL 750.520d.

13 (iv) A factor set forth in section 520e(1)(b) to ~~(f)~~ **(G)** of
14 the Michigan penal code, 1931 PA 328, MCL 750.520e.

15 (4) If the court assigns an individual to the status of
16 youthful trainee under this section, the court may require the
17 individual to maintain employment or to attend a high school, high
18 school equivalency program, community college, college, university,
19 or trade school. If the individual is not employed or attending a
20 high school, community college, college, university, or trade
21 school, the individual may be required to actively seek employment
22 or entry into a high school, high school equivalency program,
23 community college, college, university, or trade school.

24 (5) If the offense for which the individual is assigned to the
25 status of youthful trainee status was committed on or after the
26 individual's twenty-first birthday, the individual may, in addition
27 to the other requirements of this section, be subject to electronic

1 monitoring during his or her probationary term as provided under
2 section 3 of chapter XI.

3 (6) As used in this section:

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

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

11 Enacting section 1. This amendatory act takes effect October
12 1, 2018.