

# HOUSE BILL No. 4744

June 13, 2017, Introduced by Rep. Noble and referred to the Committee on Law and Justice.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 14, 15, 16, 18, and 18i of chapter XIIIA (MCL 712A.14, 712A.15, 712A.16, 712A.18, and 712A.18i), section 14 as amended by 2012 PA 163, section 15 as amended by 1998 PA 474, section 16 as amended by 1998 PA 478, section 18 as amended by 2016 PA 191, and section 18i as added by 1996 PA 244.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER XIIIA

1  
2       Sec. 14. (1) Any local police officer, sheriff or deputy  
3 sheriff, state police officer, county agent or probation officer of  
4 any court of record may, without the order of the court,  
5 immediately take into custody any child who is found violating any  
6 law or ordinance, or for whom there is reasonable cause to believe  
7 is violating or has violated a personal protection order issued

1 under section 2(h) of this chapter by the court under section 2950  
2 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL  
3 600.2950 and 600.2950a, or for whom there is reasonable cause to  
4 believe is violating or has violated a valid foreign protection  
5 order. If the officer or county agent takes a child coming within  
6 the provisions of this chapter into custody, he or she shall  
7 immediately attempt to notify the parent or parents, guardian, or  
8 custodian. While awaiting the arrival of the parent or parents,  
9 guardian, or custodian, a child under the age of ~~17~~**18** years taken  
10 into custody under the provisions of this chapter shall not be held  
11 in **A JAIL OR** any **OTHER** detention facility ~~unless the child is~~  
12 ~~completely isolated so as to prevent any verbal, visual, or~~  
13 ~~physical contact with any adult prisoner.~~ **FOR ADULTS BUT MAY BE**  
14 **HELD IN A DETENTION FACILITY FOR JUVENILES.** Unless the child  
15 requires immediate detention as provided for in this act, the  
16 officer shall accept the written promise of the parent or parents,  
17 guardian, or custodian, to bring the child to the court at a fixed  
18 time. The child shall then be released to the custody of the parent  
19 or parents, guardian, or custodian.

20 (2) If a child is not released under subsection (1), the child  
21 and his or her **PARENT OR** parents, guardian, or custodian, if they  
22 can be located, shall immediately be brought before the court for a  
23 preliminary hearing on the status of the child, and an order signed  
24 by a judge or a referee authorizing the filing of a complaint shall  
25 be entered or the child shall be released to his or her parent or  
26 parents, guardian, or custodian.

27 (3) If a complaint is authorized under subsection (2), the

1 order shall state where the child is to be placed, pending  
2 investigation and hearing, which placement may be in any of the  
3 following:

4 (a) In the home of the child's parent, guardian, or custodian.

5 (b) If a child is within the court's jurisdiction under  
6 section 2(a) of this chapter, in a suitable foster care home  
7 subject to the court's supervision. ~~Except as otherwise provided in~~  
8 ~~subsections (4) and (5), if~~ **IF** a child is within the court's  
9 jurisdiction under section 2(b) of this chapter, the court shall  
10 not place a child in a foster care home subject to the court's  
11 supervision.

12 (c) In a child care institution or child placing agency  
13 licensed by the department ~~of human services~~ to receive for care  
14 children within the jurisdiction of the court.

15 (d) In a suitable place of detention.

16 ~~—— (4) Except as otherwise provided in subsection (5), if a court~~  
17 ~~is providing at the time of the enactment of this subsection foster~~  
18 ~~care home services subject to the court's supervision to children~~  
19 ~~within section 2(b) of this chapter, the court may continue to~~  
20 ~~provide those services through December 31, 1989. Beginning January~~  
21 ~~1, 1990, the court shall discontinue providing those services.~~

22 ~~—— (5) If a court located in a county with a population in excess~~  
23 ~~of 650,000 is providing at the time of the enactment of this~~  
24 ~~subsection foster care home services subject to the court's~~  
25 ~~supervision to children within section 2(b) of this chapter, the~~  
26 ~~court may continue to provide those services through December 31,~~  
27 ~~1991. Beginning January 1, 1992, the court shall discontinue those~~

1 ~~services.~~

2           Sec. 15. (1) In the case of a child concerning whom a  
3 complaint has been made or a petition has been filed ~~pursuant to~~  
4 **UNDER** this chapter, the court may order the child, pending the  
5 hearing, detained in a facility as the court ~~shall designate.~~  
6 **DESIGNATES.** The court may release the child, pending the hearing,  
7 in the custody of a parent, guardian, or custodian, to be brought  
8 before the court at the time designated. As used in this  
9 subsection, "petition" includes all of the following:

10           (a) Petition.

11           (b) Supplemental petition.

12           (c) Petition for revocation of probation.

13           (d) Supplemental petition alleging a violation of a personal  
14 protection order.

15           (2) Custody, pending hearing, is limited to the following  
16 children:

17           (a) Those whose home conditions make immediate removal  
18 necessary.

19           (b) Those who have a record of unexcused failures to appear at  
20 juvenile court proceedings.

21           (c) Those who have run away from home.

22           (d) Those who have failed to remain in a detention or  
23 nonsecure facility or placement in violation of a court order.

24           (e) Those whose offenses are so serious that release would  
25 endanger public safety.

26           (f) Those who have allegedly violated a personal protection  
27 order and for whom it appears there is a substantial likelihood of

1 retaliation or continued violation.

2 (3) A child taken into custody pursuant ~~to~~ **ACCORDING** to section  
3 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be  
4 detained in any secure facility designed to physically restrict the  
5 movements and activities of alleged or adjudicated juvenile  
6 offenders unless the court finds that the child willfully violated  
7 a court order and the court finds, after a hearing and on the  
8 record, that there is not a less restrictive alternative more  
9 appropriate to the needs of the child. ~~This subsection does not  
10 apply to a child who is under the jurisdiction of the court  
11 pursuant to section 2(a)(1) of this chapter or a child who is not  
12 less than 17 years of age and who is under the jurisdiction of the  
13 court pursuant to a supplemental petition under section 2(h) of  
14 this chapter.~~

15 (4) A child taken into custody pursuant ~~to~~ **UNDER** section 2(b)  
16 of this chapter or subsection (2)(a) shall not be detained in any  
17 secure facility designed to physically restrict the movements and  
18 activities of alleged or adjudicated juvenile offenders or in a  
19 cell or other secure area of any secure facility designed to  
20 incarcerate adults.

21 (5) A child taken into custody pursuant ~~to~~ **UNDER** section  
22 2(a)(2) to (4) of this chapter or subsection (2)(c) shall not be  
23 detained in a cell or other secure area of any secure facility  
24 designed to incarcerate adults unless ~~either of the following~~  
25 ~~applies:~~

26 ~~—— (a) A child is under the jurisdiction of the court pursuant to~~  
27 ~~section 2(a)(1) of this chapter for an offense which, if committed~~

1 ~~by an adult, would be a felony.~~

2 ~~—— (b) A **THE** child is not less than 17-18 years of age and is~~  
3 ~~under the jurisdiction of the court pursuant to **UNDER** a~~  
4 ~~supplemental petition under section 2(h) of this chapter.~~

5       Sec. 16. (1) If a juvenile under the age of 17-18 years is  
6 taken into custody or detained, the juvenile shall not be confined  
7 in any police station, prison, jail, lock-up, or reformatory or  
8 transported with, or compelled or permitted to associate or mingle  
9 with, criminal or dissolute persons. ~~However, except as otherwise~~  
10 ~~provided in section 15(3), (4), and (5) of this chapter, the court~~  
11 ~~may order a juvenile 15 years of age or older whose habits or~~  
12 ~~conduct are considered a menace to other juveniles, or who may not~~  
13 ~~otherwise be safely detained, placed in a jail or other place of~~  
14 ~~detention for adults, but in a room or ward separate from adults~~  
15 ~~and for not more than 30 days, unless longer detention is necessary~~  
16 ~~for the service of process.~~

17       (2) The county board of commissioners in each county or of  
18 counties contracting together may provide for the diagnosis,  
19 treatment, care, training, and detention of juveniles in a child  
20 care home or facility conducted as an agency of the county if the  
21 home or facility meets licensing standards established under 1973  
22 PA 116, MCL 722.111 to 722.128. The court or a court-approved  
23 agency may arrange for the boarding of juveniles in ~~any~~ **EITHER** of  
24 the following:

25       (a) If a juvenile is within the court's jurisdiction under  
26 section 2(a) of this chapter, a suitable foster care home subject  
27 to the court's supervision. If a juvenile is within the court's

1 jurisdiction under section 2(b) of this chapter, the court shall  
2 not place a juvenile in a foster care home subject to the court's  
3 supervision.

4 (b) A child caring institution or child placing agency  
5 licensed by the department ~~of consumer and industry services~~ to  
6 receive for care juveniles within the court's jurisdiction.

7 ~~(c) If in a room or ward separate and apart from adult~~  
8 ~~criminals, the county jail for juveniles over 17 years of age~~  
9 ~~within the court's jurisdiction.~~

10 (3) If a detention home or facility is established as an  
11 agency of the county, the judge may appoint a superintendent and  
12 other necessary employees for the home or facility who shall  
13 receive compensation as provided by the county board of  
14 commissioners of the county. This section does not alter or  
15 diminish the legal responsibility of the ~~family independence agency~~  
16 **DEPARTMENT** or a county juvenile agency to receive juveniles  
17 committed by the court.

18 (4) If the court under subsection (2) arranges for the board  
19 of juveniles temporarily detained in private homes or in a child  
20 caring institution or child placing agency, a reasonable sum fixed  
21 by the court for their board shall be paid by the county treasurer  
22 as provided in section 25 of this chapter.

23 (5) A court shall not provide foster care home services  
24 subject to the court's supervision to juveniles within section 2(b)  
25 of this chapter.

26 (6) A juvenile detention home described in subsection (3)  
27 shall be operated under the direction of the county board of

1 commissioners or, in a county that has an elected county executive,  
2 under the county executive's direction. ~~However, a~~ **A** different  
3 method for directing the operation of a detention home may be  
4 agreed to in any county by the chief judge of the circuit court in  
5 that county and the county board of commissioners or, in a county  
6 that has an elected county executive, the county executive.

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

14       (a) Warn the juvenile or the juvenile's parents, guardian, or  
15 custodian and, except as provided in subsection (7), dismiss the  
16 petition.

17       (b) Place the juvenile on probation, or under supervision in  
18 the juvenile's own home or in the home of an adult who is related  
19 to the juvenile. As used in this subdivision, "related" means an  
20 individual who is not less than 18 years of age and related to the  
21 child by blood, marriage, or adoption, as grandparent, great-  
22 grandparent, great-great-grandparent, aunt or uncle, great-aunt or  
23 great-uncle, great-great-aunt or great-great-uncle, sibling,  
24 stepsibling, nephew or niece, first cousin or first cousin once  
25 removed, and the spouse of any of the above, even after the  
26 marriage has ended by death or divorce. A child may be placed with  
27 the parent of a man whom the court has found probable cause to

1 believe is the putative father if there is no man with legally  
2 established rights to the child. This placement of the child with  
3 the parent of a man whom the court has found probable cause to  
4 believe is the putative father is for the purposes of placement  
5 only and is not to be construed as a finding of paternity or to  
6 confer legal standing. The court shall order the terms and  
7 conditions of probation or supervision, including reasonable rules  
8 for the conduct of the parents, guardian, or custodian, if any, as  
9 the court determines necessary for the physical, mental, or moral  
10 well-being and behavior of the juvenile. The court may order that  
11 the juvenile participate in a juvenile drug treatment court under  
12 chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL  
13 600.1060 to ~~600.1084.~~ **600.1086**. The court also shall order, as a  
14 condition of probation or supervision, that the juvenile shall pay  
15 the minimum state cost prescribed by section 18m of this chapter.

16 (c) If a juvenile is within the court's jurisdiction under  
17 section 2(a) of this chapter, or under section 2(h) of this chapter  
18 for a supplemental petition, place the juvenile in a suitable  
19 foster care home subject to the court's supervision. If a juvenile  
20 is within the court's jurisdiction under section 2(b) of this  
21 chapter, the court shall not place a juvenile in a foster care home  
22 subject to the court's supervision.

23 (d) Except as otherwise provided in this subdivision, place  
24 the juvenile in or commit the juvenile to a private institution or  
25 agency approved or licensed by the department's division of child  
26 welfare licensing for the care of juveniles of similar age, sex,  
27 and characteristics. If the juvenile is not a ward of the court,

1 the court shall commit the juvenile to the department or, if the  
2 county is a county juvenile agency, to that county juvenile agency  
3 for placement in or commitment to an institution or agency as the  
4 department or county juvenile agency determines is most  
5 appropriate, subject to any initial level of placement the court  
6 designates.

7 (e) Except as otherwise provided in this subdivision, commit  
8 the juvenile to a public institution, county facility, institution  
9 operated as an agency of the court or county, or agency authorized  
10 by law to receive juveniles of similar age, sex, and  
11 characteristics. If the juvenile is not a ward of the court, the  
12 court shall commit the juvenile to the department or, if the county  
13 is a county juvenile agency, to that county juvenile agency for  
14 placement in or commitment to an institution or facility as the  
15 department or county juvenile agency determines is most  
16 appropriate, subject to any initial level of placement the court  
17 designates. ~~If a child is not less than 17 years of age and is in~~  
18 ~~violation of a personal protection order, the court may commit the~~  
19 ~~child to a county jail within the adult prisoner population. In a~~  
20 placement under subdivision (d) or a commitment under this  
21 subdivision, except to a state institution or a county juvenile  
22 agency institution, the juvenile's religious affiliation shall be  
23 protected by placement or commitment to a private child-placing or  
24 child-caring agency or institution, if available. Except for  
25 commitment to the department or a county juvenile agency, an order  
26 of commitment under this subdivision to a state institution or  
27 agency described in the youth rehabilitation services act, 1974 PA

1 150, MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to  
2 400.214, the court shall name the superintendent of the institution  
3 to which the juvenile is committed as a special guardian to receive  
4 benefits due the juvenile from the government of the United States.  
5 An order of commitment under this subdivision to the department or  
6 a county juvenile agency shall name that agency as a special  
7 guardian to receive those benefits. The benefits received by the  
8 special guardian shall be used to the extent necessary to pay for  
9 the portions of the cost of care in the institution or facility  
10 that the parent or parents are found unable to pay.

11 (f) Provide the juvenile with medical, dental, surgical, or  
12 other health care, in a local hospital if available, or elsewhere,  
13 maintaining as much as possible a local physician-patient  
14 relationship, and with clothing and other incidental items the  
15 court determines are necessary.

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

21 (h) Appoint a guardian under section 5204 of the estates and  
22 protected individuals code, 1998 PA 386, MCL 700.5204, in response  
23 to a petition filed with the court by a person interested in the  
24 juvenile's welfare. If the court appoints a guardian as authorized  
25 by this subdivision, it may dismiss the petition under this  
26 chapter.

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

1           (j) If the court finds that a juvenile has violated a  
2 municipal ordinance or a state or federal law, order the juvenile  
3 to pay a civil fine in the amount of the civil or penal fine  
4 provided by the ordinance or law. Money collected from fines levied  
5 under this subsection shall be distributed as provided in section  
6 29 of this chapter.

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

11           (l) If a juvenile is within the court's jurisdiction under  
12 section 2(a)(1) of this chapter, place the juvenile in and order  
13 the juvenile to complete satisfactorily a program of training in a  
14 juvenile boot camp established by the department under the juvenile  
15 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided  
16 in that act. If the county is a county juvenile agency, the court  
17 shall commit the juvenile to that county juvenile agency for  
18 placement in the program under that act. Upon receiving a report of  
19 satisfactory completion of the program from the department, the  
20 court shall authorize the juvenile's release from placement in the  
21 juvenile boot camp. Following satisfactory completion of the  
22 juvenile boot camp program, the juvenile shall complete an  
23 additional period of not less than 120 days or more than 180 days  
24 of intensive supervised community reintegration in the juvenile's  
25 local community. To place or commit a juvenile under this  
26 subdivision, the court shall determine all of the following:

27           (i) Placement in a juvenile boot camp will benefit the

1 juvenile.

2 (ii) The juvenile is physically able to participate in the  
3 program.

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

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

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

9 (vi) If the court must commit the juvenile to a county  
10 juvenile agency, the county juvenile agency is able to place the  
11 juvenile in a juvenile boot camp program.

12 (m) If the court entered a judgment of conviction under  
13 section 2d of this chapter, enter any disposition under this  
14 section or, if the court determines that the best interests of the  
15 public would be served, impose any sentence upon the juvenile that  
16 could be imposed upon an adult convicted of the offense for which  
17 the juvenile was convicted, **EXCEPT THAT A JUVENILE SHALL NOT BE**  
18 **CONFINED IN A JAIL OR PRISON UNTIL THE JUVENILE IS 18 YEARS OF AGE.**  
19 If the juvenile is convicted of a violation or conspiracy to commit  
20 a violation of section 7403(2)(a)(i) of the public health code,  
21 1978 PA 368, MCL 333.7403, the court may impose the alternative  
22 sentence permitted under that section if the court determines that  
23 the best interests of the public would be served. The court may  
24 delay imposing a sentence of imprisonment under this subdivision  
25 for a period not longer than the period during which the court has  
26 jurisdiction over the juvenile under this chapter by entering an  
27 order of disposition delaying imposition of sentence and placing

1 the juvenile on probation upon the terms and conditions it  
2 considers appropriate, including any disposition under this  
3 section. If the court delays imposing sentence under this section,  
4 section 18i of this chapter applies. If the court imposes sentence,  
5 it shall enter a judgment of sentence. If the court imposes a  
6 sentence of imprisonment, the juvenile shall receive credit against  
7 the sentence for time served before sentencing. In determining  
8 whether to enter an order of disposition or impose a sentence under  
9 this subdivision, the court shall consider all of the following  
10 factors, giving greater weight to the seriousness of the offense  
11 and the juvenile's prior record:

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

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

22 (iii) The juvenile's prior record of delinquency including,  
23 but not limited to, any record of detention, any police record, any  
24 school record, or any other evidence indicating prior delinquent  
25 behavior.

26 (iv) The juvenile's programming history, including, but not  
27 limited to, the juvenile's past willingness to participate

1 meaningfully in available programming.

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

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

5 (n) In a proceeding under section 2(b) or (c) of this chapter,  
6 if a juvenile is removed from the parent's custody at any time, the  
7 court shall permit the juvenile's parent to have regular and  
8 frequent parenting time with the juvenile. Parenting time between  
9 the juvenile and his or her parent shall not be less than 1 time  
10 every 7 days unless the court determines either that exigent  
11 circumstances require less frequent parenting time or that  
12 parenting time, even if supervised, may be harmful to the  
13 juvenile's life, physical health, or mental well-being. If the  
14 court determines that parenting time, even if supervised, may be  
15 harmful to the juvenile's life, physical health, or mental well-  
16 being, the court may suspend parenting time until the risk of harm  
17 no longer exists. The court may order the juvenile to have a  
18 psychological evaluation or counseling, or both, to determine the  
19 appropriateness and the conditions of parenting time.

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

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

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

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

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

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

1 entered under this section that the juvenile, parent, guardian, or  
2 custodian reimburse the court for attorney fees.

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

10 (7) If the court finds that a juvenile comes under section 30  
11 of this chapter, the court shall order the juvenile or the  
12 juvenile's parent to pay restitution as provided in sections 30 and  
13 31 of this chapter and in sections 44 and 45 of the **WILLIAM VAN**  
14 **REGENMORTER** crime victim's rights act, 1985 PA 87, MCL 780.794 and  
15 780.795.

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

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

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

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

1 intentionally refuses to perform the required community service,  
2 the court may revoke or alter the terms and conditions of  
3 probation.

4 (10) The court shall not enter an order of disposition for a  
5 juvenile offense as defined in section 1a of 1925 PA 289, MCL  
6 28.241a, or a judgment of sentence for a conviction until the court  
7 has examined the court file and has determined that the juvenile's  
8 ~~fingerprints~~ **BIOMETRIC DATA** have been ~~taken~~ **COLLECTED** and forwarded  
9 as required by section 3 of 1925 PA 289, MCL 28.243, and **THE**  
10 **JUVENILE'S FINGERPRINTS HAVE BEEN TAKEN AND FORWARDED** as required  
11 by the sex offenders registration act, 1994 PA 295, MCL 28.721 to  
12 28.736. If a **JUVENILE'S BIOMETRIC DATA HAVE NOT BEEN COLLECTED OR A**  
13 juvenile has not had his or her fingerprints taken, the court shall  
14 do either of the following:

15 (a) Order the juvenile to submit himself or herself to the  
16 police agency that arrested or obtained the warrant for the  
17 juvenile's arrest so the juvenile's **BIOMETRIC DATA CAN BE COLLECTED**  
18 **AND FORWARDED AND HIS OR HER** fingerprints can be taken and  
19 forwarded.

20 (b) Order the juvenile committed to the sheriff's custody for  
21 **COLLECTING AND FORWARDING THE JUVENILE'S BIOMETRIC DATA AND** taking  
22 and forwarding the juvenile's fingerprints.

23 (11) Upon final disposition, conviction, acquittal, or  
24 dismissal of an offense within the court's jurisdiction under  
25 section 2(a)(1) of this chapter, using forms approved by the state  
26 court administrator, the clerk of the court entering the final  
27 disposition, conviction, acquittal, or dismissal shall immediately

1 advise the department of state police of that final disposition,  
2 conviction, acquittal, or dismissal as required by section 3 of  
3 1925 PA 289, MCL 28.243. The report to the department of state  
4 police shall include information as to the finding of the judge or  
5 jury and a summary of the disposition or sentence imposed.

6 (12) If the court enters an order of disposition based on an  
7 act that is a juvenile offense as defined in section 1 of 1989 PA  
8 196, MCL 780.901, the court shall order the juvenile to pay the  
9 assessment as provided in that act. If the court enters a judgment  
10 of conviction under section 2d of this chapter for an offense that  
11 is a felony, misdemeanor, or ordinance violation, the court shall  
12 order the juvenile to pay the assessment as provided in that act.

13 (13) If the court has entered an order of disposition or a  
14 judgment of conviction for a listed offense as defined in section 2  
15 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the  
16 court, the department, or the county juvenile agency shall register  
17 the juvenile or accept the juvenile's registration as provided in  
18 the sex offenders registration act, 1994 PA 295, MCL 28.721 to  
19 28.736.

20 (14) If the court enters an order of disposition placing a  
21 juvenile in a juvenile boot camp program, or committing a juvenile  
22 to a county juvenile agency for placement in a juvenile boot camp  
23 program, and the court receives from the department a report that  
24 the juvenile has failed to perform satisfactorily in the program,  
25 that the juvenile does not meet the program's requirements or is  
26 medically unable to participate in the program for more than 25  
27 days, that there is no opening in a juvenile boot camp program, or

1 that the county juvenile agency is unable to place the juvenile in  
2 a juvenile boot camp program, the court shall release the juvenile  
3 from placement or commitment and enter an alternative order of  
4 disposition. A juvenile shall not be placed in a juvenile boot camp  
5 under an order of disposition more than once, except that a  
6 juvenile returned to the court for a medical condition, because  
7 there was no opening in a juvenile boot camp program, or because  
8 the county juvenile agency was unable to place the juvenile in a  
9 juvenile boot camp program may be placed again in the juvenile boot  
10 camp program after the medical condition is corrected, an opening  
11 becomes available, or the county juvenile agency is able to place  
12 the juvenile.

13 (15) If the juvenile is within the court's jurisdiction under  
14 section 2(a)(1) of this chapter for an offense other than a listed  
15 offense as defined in section 2 of the sex offenders registration  
16 act, 1994 PA 295, MCL 28.722, the court shall determine if the  
17 offense is a violation of a law of this state or a local ordinance  
18 of a municipality of this state that by its nature constitutes a  
19 sexual offense against an individual who is less than 18 years of  
20 age. If so, the order of disposition is for a listed offense as  
21 defined in section 2 of the sex offenders registration act, 1994 PA  
22 295, MCL 28.722, and the court shall include the basis for that  
23 determination on the record and include the determination in the  
24 order of disposition.

25 (16) The court shall not impose a sentence of imprisonment in  
26 the county jail under subsection (1)(m) unless the present county  
27 jail facility for the juvenile's imprisonment would meet all

1 requirements under federal law and regulations for housing  
2 juveniles. The court shall not impose the sentence until it  
3 consults with the sheriff to determine when the sentence will begin  
4 to ensure that space will be available for the juvenile.

5 (17) In a proceeding under section 2(h) of this chapter, this  
6 section only applies to a disposition for a violation of a personal  
7 protection order and subsequent proceedings.

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

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

21 Sec. 18i. (1) A delay in sentencing does not deprive the court  
22 of jurisdiction to sentence the juvenile under section 18(1)(n) of  
23 this chapter any time during the delay.

24 (2) If the court has entered an order of disposition under  
25 section 18(1)(n) of this chapter delaying imposition of sentence,  
26 the court shall conduct an annual review of the probation,  
27 including but not limited to the services being provided to the

1 juvenile, the juvenile's placement, and the juvenile's progress in  
2 that placement. In conducting this review, the court shall examine  
3 any annual report prepared under section 3 of the juvenile  
4 facilities act, ~~Act No. 73 of the Public Acts of 1988, being~~  
5 ~~section 803.223 of the Michigan Compiled Laws, 1988 PA 73, MCL~~  
6 **803.223**, and any report prepared upon the court's order by the  
7 officer or agency supervising probation. The court may order  
8 changes in the juvenile's probation based on the review including  
9 but not limited to imposition of sentence.

10 (3) If the court entered an order of disposition under section  
11 18(1)(n) of this chapter delaying imposition of sentence, the court  
12 shall conduct a review hearing to determine whether the juvenile  
13 has been rehabilitated and whether the juvenile presents a serious  
14 risk to public safety. If the court determines that the juvenile  
15 has not been rehabilitated or that the juvenile presents a serious  
16 risk to public safety, jurisdiction over the juvenile shall be  
17 continued or the court may impose sentence. In making this  
18 determination, the court shall consider the following:

19 (a) The extent and nature of the juvenile's participation in  
20 education, counseling, or work programs.

21 (b) The juvenile's willingness to accept responsibility for  
22 prior behavior.

23 (c) The juvenile's behavior in his or her current placement.

24 (d) The prior record and character of the juvenile and his or  
25 her physical and mental maturity.

26 (e) The juvenile's potential for violent conduct as  
27 demonstrated by prior behavior.

1 (f) The recommendations of any institution or agency charged  
2 with the juvenile's care for the juvenile's release or continued  
3 custody.

4 (g) Other information the prosecuting attorney or juvenile may  
5 submit.

6 (4) A review hearing shall be scheduled and held unless  
7 adjourned for good cause as near as possible to, but before, the  
8 juvenile's nineteenth birthday. If an institution or agency to  
9 which the juvenile was committed believes that the juvenile has  
10 been rehabilitated and that the juvenile does not present a serious  
11 risk to public safety, the institution or agency may petition the  
12 court to conduct a review hearing any time before the juvenile  
13 becomes 19 years of age or, if the court has continued  
14 jurisdiction, any time before the juvenile becomes 21 years of age.

15 (5) Not less than 14 days before a review hearing is to be  
16 conducted, the prosecuting attorney, juvenile, and, if addresses  
17 are known, the juvenile's parent or guardian shall be notified. The  
18 notice shall state that the court may extend jurisdiction over the  
19 juvenile or impose sentence and shall advise the juvenile and the  
20 juvenile's parent or guardian of the right to legal counsel. If  
21 legal counsel has not been retained or appointed to represent the  
22 juvenile, the court shall appoint legal counsel and may assess the  
23 cost of providing counsel as costs against the juvenile or those  
24 responsible for the juvenile's support, or both, if the persons to  
25 be assessed are financially able to comply.

26 (6) A commitment report prepared as provided in section 5 of  
27 the juvenile facilities act, ~~Act No. 73 of the Public Acts of 1988,~~

1 ~~being section 803.225 of the Michigan Compiled Laws, 1988 PA 73,~~  
2 **MCL 803.225**, and any report prepared upon the court's order by the  
3 officer or agency supervising probation may be used by the court at  
4 a review hearing held under this section.

5 (7) The court shall conduct a final review of the juvenile's  
6 probation not less than 3 months before the end of the probation  
7 period. If the court determines at this review that the best  
8 interests of the public would be served by imposing any other  
9 sentence provided by law for an adult offender, the court may  
10 impose the sentence. In making its determination, the court shall  
11 consider the criteria specified in subsection (3) and all of the  
12 following criteria:

13 (a) The effect of treatment on the juvenile's rehabilitation.

14 (b) Whether the juvenile is likely to be dangerous to the  
15 public if released.

16 (c) The best interests of the public welfare and the  
17 protection of public security.

18 (8) Not less than 14 days before a final review hearing under  
19 subsection (7) is to be conducted, the prosecuting attorney,  
20 juvenile, and, if addresses are known, the juvenile's parent or  
21 guardian shall be notified. The notice shall state that the court  
22 may impose a sentence upon the juvenile and shall advise the  
23 juvenile and the juvenile's parent or guardian of the right to  
24 legal counsel. If legal counsel has not been retained or appointed  
25 to represent the juvenile, the court shall appoint legal counsel  
26 and may assess the cost of providing counsel as costs against the  
27 juvenile or those responsible for the juvenile's support, or both,

1 if the persons to be assessed are financially able to comply.

2 (9) If a juvenile placed on probation under an order of  
3 disposition delaying imposition of sentence is found by the court  
4 to have violated probation by being convicted of a felony or a  
5 misdemeanor punishable by imprisonment for more than 1 year, or  
6 adjudicated as responsible for an offense that if committed by an  
7 adult would be a felony or a misdemeanor punishable by imprisonment  
8 for more than 1 year, the court shall revoke probation and sentence  
9 the juvenile to imprisonment for a term that does not exceed the  
10 penalty that could have been imposed for the offense for which the  
11 juvenile was originally convicted and placed on probation.

12 (10) If a juvenile placed on probation under an order of  
13 disposition delaying imposition of sentence is found by the court  
14 to have violated probation other than as provided in subsection  
15 (9), the court may impose sentence or may order any of the  
16 following for the juvenile:

17 (a) A change of placement.

18 (b) Community service.

19 (c) Substance ~~abuse~~ **USE DISORDER** counseling.

20 (d) Mental health counseling.

21 (e) Participation in a vocational-technical education program.

22 ~~— (f) Incarceration in a county jail for not more than 30 days~~  
23 ~~as provided in this chapter. If a juvenile is under 17 years of~~  
24 ~~age, the juvenile shall be placed in a room or ward out of sight~~  
25 ~~and sound from adult prisoners.~~

26 **(F)** ~~(g)~~ Other participation or performance as the court  
27 considers necessary.

1           (11) If a sentence of imprisonment is imposed under this  
2 section, the juvenile shall receive credit for the period of time  
3 served on probation.

4           Enacting section 1. This amendatory act takes effect October  
5 1, 2018.

6           Enacting section 2. This amendatory act does not take effect  
7 unless all of the following bills of the 99th Legislature are  
8 enacted into law:

9           (a) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no.  
10 02783'17).

11           (b) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no.  
12 02784'17).