



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 92 (Substitute S-1)
Sponsor: Senator Sylvia Santana
Committee: Judiciary and Public Safety

Date Completed: 4-16-19

CONTENT

The bill would amend the Code of Criminal Procedure to refer to an offense committed on or after a person's 18th, rather than 17th, birthday for a court's determination to assign the person to youthful trainee status.

Under the Chapter 2 (Courts) of the Code of Criminal Procedure, if an individual pleads guilty to a criminal offense committed on or after his or her 17th birthday, but before his or her 24th birthday, the court may, without entering a judgment of conviction and with the individual's consent, consider and assign that individual to youthful trainee status. (If the offense was committed on or after the individual's 21st birthday, he or she may not be assigned to youthful trainee status without the consent of the prosecuting attorney. The Act's provisions also apply to an individual over 14 who is charged with a felony if jurisdiction has been waived to a court of general criminal jurisdiction.)

The court may not assign an individual to youthful trainee status for a felony for which the maximum punishment is life imprisonment, a major controlled substance offense, a traffic offense, or, with certain exceptions, a criminal sexual conduct offense. If an individual's youthful trainee status is not terminated or revoked, the court must discharge the individual and dismiss the proceedings upon final release from youthful trainee status.

Under the bill, a court could assign an individual to youthful trainee status, under the conditions and with the exceptions described above, if he or she committed the offense on or after his or her 18th, rather than 17th, birthday, but before his or her 24th birthday.

The bill would take effect on October 1, 2021.

MCL 762.11

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State and could have a negative fiscal impact on local government. Currently, 17- to 23-year-old offenders who are sentenced to prison or probation may be granted Holmes Youthful Trainee Act (HYTA) status at the discretion of prosecutors and the courts. The bill would remove 17-year-olds from eligibility. It is unclear whether this would make prosecutors and courts less likely to sentence 17-year-olds to prison, but if there were a reduction in prison sentences, the Michigan Department of Corrections (MDOC) would see reduced costs.

There could be a much larger shift in costs regarding HYTA probationers. If a 17-year-old offender is on felony probation with HYTA status, the costs of that probation are the responsibility of the MDOC. There are between 300 and 450 17-year-old offenders on HYTA probation at any given time. The average cost for felony probation supervision is approximately \$3,000 per probationer per year. Costs could be increased for local governments and the Department of Health and Human Services depending on the alternative dispositions that were reached in these cases.

Fiscal Analyst: Joe Carrasco
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