

# HOUSE BILL No. 4269

February 21, 1989, Introduced by Reps. Hunter, DeMars, Brown, Berman, Murphy, Ciaramitaro, Joe Young, Jr., Gire, Scott, Honigman, Jondahl, Wallace, Webb, Kilpatrick, Banks, Stabenow, Saunders, Martin, Leland, Barns and Hollister and referred to the Committee on Social Services and Youth.

A bill to amend the title and sections 2, 3, 4, 5, and 6 of Act No. 73 of the Public Acts of 1988, entitled "The juvenile facilities act," being sections 803.222, 803.223, 803.224, 803.225, and 803.226 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 3, 4, 5, and 6 of Act  
2 No. 73 of the Public Acts of 1988, being sections 803.222,  
3 803.223, 803.224, 803.225, and 803.226 of the Michigan Compiled  
4 Laws, are amended to read as follows:

## 5 TITLE

6 An act to provide for certain responsibilities and duties of  
7 the ~~department of social services~~ CHILDREN AND FAMILY SERVICES  
8 AGENCY and certain facilities, institutions, and agencies; and to

1 provide for the preparation of certain reports pertaining to  
2 certain juveniles.

3 Sec. 2. As used in this act:

4 (a) ~~"Department"~~ "AGENCY" means the ~~department of social~~  
5 CHILDREN AND FAMILY services AGENCY.

6 (b) "Juvenile" means a person within the jurisdiction of the  
7 juvenile division of the probate court under section 2(a) of  
8 chapter XIIA of Act No. 288 of the Public Acts of 1939, being  
9 section 712A.2 of the Michigan Compiled Laws; within the juris-  
10 diction of the circuit court under section 606 of the revised  
11 judicature act of 1961, Act No. 236 of the Public Acts of 1961,  
12 being section 600.606 of the Michigan Compiled Laws; or within  
13 the jurisdiction of the recorder's court of the city of Detroit  
14 under section 10a(1)(c) of Act No. 369 of the Public Acts of  
15 1919, being section 725.10a of the Michigan Compiled Laws.

16 (c) "Juvenile facility" means a county facility, an institu-  
17 tion operated as an agency of the county or the juvenile division  
18 of the probate court, or a state institution or agency described  
19 in the youth rehabilitation services act, Act No. 150 of the  
20 Public Acts of 1974, being sections 803.301 to 803.309 of the  
21 Michigan Compiled Laws, to which a juvenile has been committed  
22 under section 18(1)(e) of chapter XIIA of Act No. 288 of the  
23 Public Acts of 1939, being section 712A.18 of the Michigan  
24 Compiled Laws, or under section 27a of chapter IV or section 1 of  
25 chapter IX of the code of criminal procedure, Act No. 175 of the  
26 Public Acts of 1927, being sections 764.27a and 769.1 of the  
27 Michigan Compiled Laws.

1       Sec. 3. If a juvenile is committed to a juvenile facility,  
2 the ~~department~~ AGENCY shall prepare for the court that commit-  
3 ted the juvenile annual reports stating the services being pro-  
4 vided to the juvenile, where the juvenile has been placed, and  
5 the juvenile's progress in that placement.

6       Sec. 4. (1) If a juvenile within the jurisdiction of the  
7 circuit court under section 606 of the revised judicature act of  
8 1961, Act No. 236 of the Public Acts of 1961, being section  
9 600.606 of the Michigan Compiled Laws, or within the jurisdiction  
10 of the recorder's court of the city of Detroit under section  
11 10a(1)(c) of Act No. 369 of the Public Acts of 1919, being sec-  
12 tion 725.10a of the Michigan Compiled Laws, is committed to a  
13 juvenile facility pending trial, the ~~department~~ AGENCY shall  
14 inquire into the antecedents, character, and circumstances of the  
15 juvenile, and shall report in writing to the court prior to the  
16 juvenile's sentencing.

17       (2) A report prepared under subsection (1) shall include all  
18 of the following:

19       (a) An evaluation of and a prognosis for the juvenile's  
20 adjustment in the community based on factual information con-  
21 tained in the report.

22       (b) A recommendation as to whether the juvenile is more  
23 likely to be rehabilitated by the services and facilities avail-  
24 able in adult programs and procedures than in juvenile programs  
25 and procedures.

1 (c) A recommendation as to what disposition is in the best  
2 interests of the public welfare and the protection of the public  
3 security.

4 Sec. 5. (1) Before a juvenile hearing under section 18d of  
5 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being  
6 section 712A.18d of the Michigan Compiled Laws, or under section  
7 1b of chapter IX of the code of criminal procedure, Act No. 175  
8 of the Public Acts of 1927, being section 769.1b of the Michigan  
9 Compiled Laws, the ~~department~~ AGENCY shall prepare a commitment  
10 report for the court. A commitment report shall include all of  
11 the following:

12 (a) The services and programs currently being utilized by,  
13 or offered to, the juvenile and the juvenile's participation in  
14 those services and programs.

15 (b) Where the juvenile currently resides and the juvenile's  
16 behavior in his or her current placement.

17 (c) The juvenile's efforts toward rehabilitation.

18 (d) Recommendations for the juvenile's release or continued  
19 custody.

20 (2) If the ~~department~~ AGENCY believes that the juvenile  
21 has been rehabilitated and does not present a serious risk to  
22 public safety, the ~~department~~ AGENCY may petition the court to  
23 conduct a review hearing at any time before the juvenile becomes  
24 19 years of age, or if the committing court has continued juris-  
25 diction over the juvenile, at any time before the juvenile  
26 becomes 21 years of age.

1 (3) The annual report required by section 3 may be combined  
2 with a review hearing under this section.

3 Sec. 6. The ~~department~~ AGENCY may enter into contracts  
4 necessary to carry out the duties and responsibilities of this  
5 act..

6 Section 2. This amendatory act shall take effect October 1,  
7 1990.

8 Section 3. This amendatory act shall not take effect unless  
9 all of the following bills of the 85th Legislature are enacted  
10 into law:

11 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4251 (request  
12 no. 00593'89<sup>\*</sup>).

13 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4252 (request  
14 no. 00593'89 a).

15 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4253 (request  
16 no. 00593'89 b).

17 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4254 (request  
18 no. 00593'89 c).

19 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 4255 (request  
20 no. 00593'89 d).

21 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. 4256 (request  
22 no. 00593'89 e).

23 (g) Senate Bill No. \_\_\_\_\_ or House Bill No. 4257 (request  
24 no. 00593'89 f).

25 (h) Senate Bill No. \_\_\_\_\_ or House Bill No. 4258 (request  
26 no. 00593'89 g).

1 (i) Senate Bill No. \_\_\_\_\_ or House Bill No. 4259 (request  
2 no. 00593'89 h).

3 (j) Senate Bill No. \_\_\_\_\_ or House Bill No. 4260 (request  
4 no. 00593'89 i).

5 (k) Senate Bill No. \_\_\_\_\_ or House Bill No. 4261 (request  
6 no. 00593'89 j).

7 (l) Senate Bill No. \_\_\_\_\_ or House Bill No. 4262 (request  
8 no. 00593'89 k).

9 (m) Senate Bill No. \_\_\_\_\_ or House Bill No. 4263 (request  
10 no. 00593'89 l).

11 (n) Senate Bill No. \_\_\_\_\_ or House Bill No. 4264 (request  
12 no. 00593'89 m).

13 (o) Senate Bill No. \_\_\_\_\_ or House Bill No. 4265 (request  
14 no. 00593'89 n).

15 (p) Senate Bill No. \_\_\_\_\_ or House Bill No. 4266 (request  
16 no. 00593'89 o).

17 (q) Senate Bill No. \_\_\_\_\_ or House Bill No. 4267 (request  
18 no. 00593'89 p).

19 (r) Senate Bill No. \_\_\_\_\_ or House Bill No. 4268 (request  
20 no. 00593'89 q).

21 (s) Senate Bill No. \_\_\_\_\_ or House Bill No. 4270 (request  
22 no. 00593'89 s).