

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senator Cisky

ENROLLED SENATE BILL No. 1189

AN ACT to amend 1988 PA 73, entitled "An act to provide for certain responsibilities and duties of the department of social services and certain facilities, institutions, and agencies; and to provide for the preparation of certain reports pertaining to certain juveniles," by amending the title and sections 2, 3, 4, 5, 5a, and 6 (MCL 803.222, 803.223, 803.224, 803.225, 803.225a, and 803.226), sections 2 and 4 as amended by 1996 PA 416 and section 5a as added by 1996 PA 511.

The People of the State of Michigan enact:

TITLE

An act to provide for certain responsibilities and duties of the family independence agency and county juvenile agencies and certain facilities, institutions, and agencies; and to provide for the preparation of certain reports pertaining to certain juveniles.

Sec. 2. As used in this act:

(a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act.

(b) "Department" means the family independence agency.

(c) "Juvenile" means a person within the jurisdiction of the family division of the circuit court under section 2(a) of chapter XIIA of 1939 PA 288, MCL 712A.2, or within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.

(d) "Juvenile facility" means a county facility, an institution operated as an agency of the county or the family division of circuit court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed under section 18(1)(e) of chapter XIIA of 1939 PA 288, MCL 712A.18, or under section 27a of chapter IV or section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 764.27a and 769.1.

Sec. 3. If a juvenile is committed to a juvenile facility, the department or county juvenile agency, as applicable, shall prepare for the court that committed the juvenile an annual report stating the services being provided to the juvenile, where the juvenile has been placed, and the juvenile's progress in that placement.

Sec. 4. (1) If a juvenile within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, is committed to a juvenile facility pending trial, the department or county juvenile agency, as applicable, shall inquire into the juvenile's antecedents, character, and circumstances and shall report in writing to the court before the juvenile's sentencing.

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

(a) An evaluation of and a prognosis for the juvenile's adjustment in the community based on factual information contained in the report.

(b) A recommendation as to whether the juvenile is more likely to be rehabilitated by the services and facilities available in adult programs and procedures than in juvenile programs and procedures.

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

Sec. 5. (1) Before a juvenile hearing under section 18d of chapter XIIA of 1939 PA 288, MCL 712A.18d, or under section 1b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1b, the department or county juvenile agency, as applicable, shall prepare a commitment report for the court. A commitment report shall include all of the following:

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

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

(c) The juvenile's efforts toward rehabilitation.

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

(2) If the department or county juvenile agency, as applicable, believes that the juvenile has been rehabilitated and does not present a serious risk to public safety, the department or county juvenile agency may petition the court to conduct a review hearing at any time before the juvenile becomes 19 years of age or, if the committing court has continued jurisdiction over the juvenile, at any time before the juvenile becomes 21 years of age.

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

Sec. 5a. (1) A juvenile convicted of or found responsible for a violation of section 91, 316, or 317 of the Michigan penal code, 1931 PA 328, MCL 750.91, 750.316, and 750.317, or a violation or attempted violation of section 349, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, who is under the supervision of the department or a county juvenile agency under section 18 of chapter XIIA of 1939 PA 288, MCL 712A.18, shall not be placed in a community placement of any kind and shall not be discharged from wardship until he or she has provided samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and has provided samples for a determination of his or her secretor status. However, if, at the time the juvenile is to be discharged from wardship, the department of state police already has a sample from the juvenile that meets the requirements of the rules promulgated under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176, the juvenile is not required to provide another sample.

(2) The samples required to be collected under this section shall be collected by the department or county juvenile agency, as applicable, and transmitted by the department or county juvenile agency to the department of state police in the manner prescribed by rules promulgated under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(3) The department or county juvenile agency may collect a sample under this section regardless of whether the juvenile consents to the collection. The department or county juvenile agency is not required to give the juvenile an opportunity for a hearing or obtain a court order before collecting the sample.

(4) As used in this section, "sample" means a portion of a juvenile's blood, saliva, or tissue collected from the juvenile.

Sec. 6. The department and a county juvenile agency may enter into contracts necessary to carry out the duties and responsibilities of this act.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) Senate Bill No. 1183.

(b) Senate Bill No. 1184.

(c) Senate Bill No. 1185.

(d) Senate Bill No. 1186.

(e) Senate Bill No. 1187.

(f) Senate Bill No. 1196.

(g) Senate Bill No. 1197.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Mary Anne Hines

Clerk of the House of Representatives.

Approved _____

Governor.