



**House  
Legislative  
Analysis  
Section**

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**POSTPONE JUVENILE WAIVER PACKAGE**

**House Bills 5612-5623 as introduced**  
**First Analysis (5-12-88)**

**RECEIVED**

**Sponsor: Rep. Perry Bullard**  
**Committee: Judiciary**

**JUL 08 1988**

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**THE APPARENT PROBLEM:**

The governor recently signed a package of bills that extensively revised the way the law treats juvenile lawbreakers. In general, the package gives both the juvenile and criminal courts jurisdiction over specified serious felonies, but without specifying original jurisdiction for either court. Instead, the local prosecutor is to have the option of bringing a petition or complaint in either juvenile or criminal court. The package also authorizes the adult criminal court to place a juvenile with the Department of Social Services (DSS) following trial, revises the criteria that the juvenile court applies in making a decision to waive a juvenile to criminal court (this to apply in cases other than the specified serious felonies), and extends the age of continuing jurisdiction for the juvenile court from age 19 to age 21. The package contains 13 bills, all of which must be enacted in order for any to take effect. One of those bills, House Bill 5203, remains on the House calendar pending resolution of at least one remaining issue: the date that the revisions are to take effect. At present, the package is scheduled to take effect June 1, 1988. Many, especially within the DSS, are concerned that there is not enough time to adequately prepare for the changes before their scheduled effective date. A postponement of the effective date to the start of the new fiscal year has been proposed.

**THE CONTENT OF THE BILLS:**

House Bills 5612 through 5623 would amend the various public acts that make up the juvenile waiver package to postpone the effective date for the package from June 1, 1988 to October 1, 1988. The bills, 1988 public act numbers, and relevant statutes and compiled laws references are as follows:

Bill No.	1988 P.A.	Statute Amended	MCL
5612	51	Public Act 369 of 1919	725.10a
5613	52	Revised Judicature Act	600.606
5614	53	juvenile code	712A.2
5615	67	Code of Criminal Procedure	761.1 et al
5616	54	juvenile code	712A.2a et al
5617	64	Code of Criminal Procedure	766.4
5618	73	Juvenile Facilities Act	803.228
5619	74	Public Act 84 of 1949	720.601
5620	75	Social Welfare Act	400.115 et al
5621	76	Youth Rehabilitation Services Act	803.302 et al
5622	77	Public Act 214 of 1963	720.651
5623	78	Code of Criminal Procedure	769.1 et al

**FISCAL IMPLICATIONS:**

According to information supplied by Judiciary Committee staff, postponement of the waiver package effective date to October 1 would save otherwise-anticipated current fiscal year costs of approximately \$450,000. Estimates of the cost of the package in subsequent fiscal years run from about \$8 million for fiscal year 1988-1989 to about \$27 million for fiscal year 1990-1991, figures that committee staff estimate to be high. (5-11-88)

**ARGUMENTS:**

**For:**

The bills would give the DSS, the Department of Corrections, prosecutors, and the courts a reasonable amount of additional time to prepare for the sweeping changes in juvenile procedure represented by the juvenile waiver package. Tying the package to the beginning of the new fiscal year would encourage proper planning during the current budget process. Thus, budgets could be developed with an understanding of how needs for juvenile programs and facilities will be affected by the new laws, which will alter existing patterns of prosecution, adjudication, and disposition. Sound fiscal planning will be essential, as estimates of the costs of the juvenile waiver package in coming years run into tens of millions of dollars.

**Against:**

There is no good reason for the package not to take effect on June 1 as planned. Postponing the effective date of the package would mean postponing the improved juvenile justice system and protections for the public that the package offers. With a postponement in effective date may come a further delay in adequate planning so that little is really gained by delaying the effective date. A postponement could simply serve to make it easier for various parties to procrastinate. Any current-year costs of the package would be minimal, so little money is to be saved by a postponement. Moreover, it may happen that the package would not change prosecutorial directions, dispositional patterns, and budgetary needs as much as some anticipate, thus making further delay even more insupportable.

**POSITIONS:**

The Department of Social Services supports the bills. (5-10-88)

The Prosecuting Attorneys Association of Michigan prefers a June 1 effective date for the juvenile waiver package. (5-11-88)

The Michigan Probate Judges Association has no position on the bills. (5-11-88)

H.B. 5612-5623 (5-11-88)