

SFA

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

• (517) 373-5383

RECEIVED

FEB 22 1988

House Bill 4558

Sponsor: Representative Kay M. Hart

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 2-4-88

SUMMARY OF HOUSE BILL 4558 as passed by the House:

The bill would amend the juvenile code to authorize the juvenile court to order a juvenile offender, as a condition of probation, to do either of the following:

- Pay restitution to the victim, and either engage in community service or, with the victim's consent, perform services for the victim.
- Seek and maintain paid part- or full-time employment and pay restitution to the victim from earnings of that employment.

A court could not require a juvenile to pay restitution unless the juvenile was or would be able to pay all or part of the restitution during his or her probation. If a court ordered a juvenile to find work to pay restitution, the amount of restitution could not exceed 30% of the juvenile's net income from that job.

If a juvenile were unable to pay all of the restitution ordered, the court could order the juvenile's custodial parent to pay all or part of the unpaid restitution, after the parent was given notice and an opportunity to be heard. The amount a parent could be ordered to pay could not exceed \$2,500.

A juvenile who was required to pay restitution and who was not in intentional default, or an adult acting on the juvenile's behalf, could ask the court to modify the amount owed or cancel any unpaid portion. A parent who was ordered to pay restitution also could seek a modification or cancellation.

A court would be required to cancel all or part of the restitution due from a juvenile or parent if the court were satisfied that payment would impose a manifest hardship on the juvenile or parent. If a court cancelled all or part of a juvenile's restitution order, it could require the juvenile to perform community service. If a court found that a juvenile intentionally defaulted or refused to perform community service, the court could revoke or alter the terms and conditions of probation.

If a court ordered a juvenile or parent to pay restitution, the court would have to consider the party's financial resources and the burden that payment would impose, with due regard to any other moral or legal financial obligations the juvenile or parent had. When ordering restitution, the court would have to provide for payment in specified installments and within a specified period of time.

The bill would take effect January 1, 1988.

MCL 712A.18

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on State and local government.

Fiscal Analyst: B. Bowerman

8788 S4558SA:S8788

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.