

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909 •

(517) 373-5383

RECEIVED

FEB 22 1988

Mich. State Law Library

House Bill 4716

Sponsor: Representative Debbie Stabenow

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 2-4-88

SUMMARY OF HOUSE BILL 4716 as passed by the House:

The bill would amend the juvenile code to limit the juvenile court's jurisdiction over status offenders (children under the age of 17 who commit offenses that would not be unlawful if committed by an adult, e.g., truancy or running away). The court would have to make the following findings in order to have jurisdiction over status offenders:

- If the child were a runaway, the court would have to find that the child had been placed or refused alternative placement or the child and his or her parent, guardian, or custodian had exhausted or refused family counseling.
- If the child were repeatedly disobedient to the reasonable and lawful commands of his or her parents, guardian, or custodian, the court would have to find by clear and convincing evidence that "court-accessed" services were necessary.
- If the child were a truant or repeatedly broke school rules, the court would have to find that the child, parent, and school officials had met on the child's school problems, and educational counseling and alternative agency help had been sought.

The bill also would delete provisions that give the juvenile court jurisdiction over a child who habitually idles away his or her time; repeatedly associates with immoral persons, is leading an immoral life, or is found on premises occupied for illegal purposes; or repeatedly patronizes a tavern or business whose principal purpose is the sale of liquor.

The court's jurisdiction over 17- and 18-year-old status offenders would be limited to situations in which the court found on the record that voluntary services had been exhausted or refused.

In addition, the bill would amend truancy and neglect provisions to recognize truancy from learning programs other than school, and to delete "as required by law" from a provision that lists failure to provide education as required by law among the actions that constitute parental neglect. The bill would define "education" as learning based on an

organized educational program that is appropriate given the age, intelligence, ability, and psychological limitations of the child, in the subject areas of reading, spelling, mathematics, science, history, civics, writing, and English grammar. "Learning program" would be similarly defined.

MCL 712A.2

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on State and local government. Restrictions regarding the court's jurisdiction over status offenses could result in a caseload reduction.

Fiscal Analyst: B. Bowerman

8788 S4716SA: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.