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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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**House Bills 5612 through 5623 (as reported without amendment)****Sponsor: Representative Perry Bullard****House Committee: Judiciary****Senate Committee: Criminal Justice, Urban Affairs, and Economic Development**

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**Date Completed: 5-31-88*****RATIONALE***

The Governor recently signed a package of bills that revised the way the law deals with juvenile lawbreakers. In general, the package gives both the juvenile and adult criminal courts jurisdiction over specified serious felonies; authorizes the adult criminal court to place a juvenile with the Department of Social Services (DSS) following trial; revises the criteria for the juvenile court to make a decision to waive a juvenile to criminal court (in cases other than the specified serious felonies); and extends the maximum age of continuing jurisdiction for the juvenile court from age 19 to age 21. The package contains 13 bills, all of which are tie-barred. 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 will take effect. Currently, the package is scheduled to take effect June 1, 1988. Many people are concerned that there is not enough time to prepare adequately for the changes and believe that the effective date should be postponed.

***CONTENT***

House Bills 5612 through 5623 would amend the enacting sections of various Acts to postpone from June 1, 1988, to October 1, 1988, the effective date of the so-called "juvenile waiver package" enacted earlier this year.

House Bill 5612 would amend Public Act 51 of 1988 (House Bill 4731). House Bill 5613 would amend Public Act 52 of 1988 (House Bill 4733). House Bill 5614 would amend Public Act 53 of 1988 (House Bill 4741). House Bill 5615 would amend Public Act 67 of 1988 (House Bill 4748). House Bill 5616 would amend Public Act 54 of 1988 (House Bill 4750). House Bill 5617 would amend Public Act 64 of 1988 (Senate Bill 137). House Bill 5618 would amend the Juvenile Facilities Act, which was created by Public Act 73 of 1988 (Senate Bill 601). House Bill 5619 would amend Public Act 74 of 1988 (Senate Bill 604). House Bill 5620 would amend Public Act 75 of 1988 (Senate Bill 605). House Bill 5621 would amend Public Act 76 of 1988 (Senate Bill 607). House Bill 5622 would amend Public Act 77 of 1988 (Senate Bill 608). House Bill 5623 would amend Public Act 78 of 1988 (Senate Bill 609).

***FISCAL IMPACT*****House Bills 5612-5617 and 5623**

The bills would have an indeterminate fiscal impact on State and local government.

**House Bills 5618 and 5620-5622**

Fiscal information is not available at this time.

**House Bill 5619**

The bill would have no fiscal impact in FY 1987-88 and an indeterminate expenditure impact on the State in FY 1988-89. The indeterminate impact is the result of not knowing how probate judges would utilize the revised transfer guidelines. For example, if a juvenile were transferred from the Department of Corrections to either the Department of Mental Health or the Department of Social Services, the cost to the State would increase. On the other hand, transfers to the Department of Corrections would most likely result in reduced State expenditures.

***ARGUMENTS******Supporting Argument***

The bills would give the DSS, the Department of Correction, prosecutors, and the courts a reasonable amount of time to prepare for the sweeping changes in juvenile procedure to be enacted 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. 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.

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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.

H.B. 5612-5623 (5-31-88)