



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 866 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Mike Rogers
Committee: Judiciary

CONTENT

The bill would amend the juvenile code to do the following:

- Reduce from 15 to 14 years the minimum age at which a minor may be tried as an adult in a court of criminal jurisdiction for certain offenses, without a waiver hearing.
- Expand the list of offenses for which a prosecutor may file those criminal charges.
- Include an attempt, conspiracy, or solicitation to commit any of the applicable offenses, any lesser included offense of one of those violations, and any other violation arising out of the same transaction as any of the applicable violations.
- Refer to any of the offenses for which a prosecutor may file criminal charges against a juvenile as a "specified juvenile violation".

Among the additional offenses, the bill would include the new felony of escape from a juvenile facility, as proposed by Senate Bill 870, if the facility were a high- or medium-security facility operated by the Family Independence Agency (FIA) or by a private agency under contract with the FIA.

Under current law, a prosecuting attorney may authorize the filing of a criminal complaint against a juvenile 15 or 16 years of age, if the prosecuting attorney has reason to believe that the juvenile has committed assault with intent to murder; armed assault with intent to rob and steal; attempted murder; first-degree murder; second-degree murder; first-degree criminal sexual conduct; armed robbery with aggravated assault; carjacking; or manufacturing, delivering, possessing with intent to deliver, or possessing 650 grams or more of a mixture containing a Schedule 1 or 2 narcotic or cocaine. Senate Bill 866 (S-2) would add to that list burning a dwelling house; assault with intent to maim; kidnapping; bank, safe, and vault robbery; and escape from a high- or medium-security juvenile facility.

The bill is tie-barred to Senate Bills 867-869, which would make similar amendments to other laws, and to Senate Bill 870, which would create the felony of escape from a juvenile facility.

MCL 712A.2

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 866 (S-2) through 870 (S-1) would have an indeterminate fiscal impact on State and local government.

While the bills provide for a new imprisonment penalty for juveniles escaping from a juvenile facility, it is difficult to predict how many juveniles would in fact receive a prison sentence for an escape conviction.

According to data provided by the Department of Social Services (DSS), 321 of the 4,976 juveniles under DSS supervision on the last day of 1995 were listed as absent without leave. In addition, a total of 60 youths (out of an approximate 900-bed population) were classified as escapees from State-run medium- and high-security facilities during 1995. If one assumes that half of the 60 escapes from medium- and high-security facilities were tried and convicted for escape, and half of those received a prison sentence of two years, then State prison costs could increase by approximately \$500,000 annually.

Lowering from 15 to 14 the age at which a minor may be tried as an adult in circuit court (in only those instances in which the prosecutor may file directly), could result in increased commitments to the Department of Corrections (DOC). However, given that under current law, 14-year-old offenders may be sentenced to a DSS facility (and could continue to be under the bills), the effect of these bills could be simply to shift the responsibility for commitment from the DSS to the DOC. Currently, a 15- or 16-year-old offender convicted of a crime for which the prosecutor may file directly may be sentenced to the DSS or to the DOC.

In FY 1993-94 there were 36 14-year-old offenders committed to the DSS for a serious felony against a person. If the same distribution of sentence disposition patterns were to apply to 14-year-olds, as applies to 15- and 16-year olds, then one might expect 41% or 15 of these offenders, under the bills, to receive a prison sentence rather than a sentence to the DSS.

If one assumes that the average length of a sentence in a DSS facility of a 14-year-old offender is five years, then the cost of the DSS sentence for those 15 offenders would range from \$4.6 million to \$5.9 million depending on the level of confinement. If these offenders instead were sentenced to the DOC, total costs of incarceration, assuming a seven-year sentence, would be \$2.1 million. In other words, if the bills resulted in more 14-year-olds sentenced to prison, for average sentences of seven years, and a corresponding reduction in those commitments to the DSS, then the State could realize some savings, the magnitude of which would be determined by the average sentence lengths of the two types of commitments, and the number of annual commitments. Under the assumptions and analysis described above, the State would realize savings ranging from \$2.5 million to \$3.8 million.

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