

HOUSE BILL No. 5317

February 9, 2016, Introduced by Reps. Irwin, Robinson, Plawecki, Pagan and Hovey-Wright
and referred to the Committee on Criminal Justice.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 2, 2d, 4, and 18h of chapter XIIIA (MCL 712A.2,
712A.2d, 712A.4, and 712A.18h), section 2 as amended by 2014 PA
519, section 2d as amended by 1998 PA 478, section 4 as amended by
1996 PA 409, and section 18h as added by 1996 PA 244; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIIA

Sec. 2. The court has the following authority and
jurisdiction:

(a) Exclusive original jurisdiction superior to and regardless
of the jurisdiction of another court in proceedings concerning a

1 juvenile under 17 years of age who is found within the county if 1
2 or more of the following applies:

3 (1) Except as otherwise provided in this sub-subdivision, the
4 juvenile has violated any municipal ordinance or law of the state
5 or of the United States. If the court enters into an agreement
6 under section 2e of this chapter, the court has jurisdiction over a
7 juvenile who committed a civil infraction as provided in that
8 section. ~~The~~ **UNTIL THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
9 **REPEALED SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA**
10 **236, MCL 600.606, THE** court has jurisdiction over a juvenile 14
11 years of age or older who is charged with a specified juvenile
12 violation only if the prosecuting attorney files a petition in the
13 court instead of authorizing a complaint and warrant. As used in
14 this sub-subdivision, "specified juvenile violation" means 1 or
15 more of the following:

16 (A) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,
17 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,
18 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
19 750.349, 750.520b, 750.529, 750.529a, and 750.531.

20 (B) A violation of section 84 or 110a(2) of the Michigan penal
21 code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is
22 armed with a dangerous weapon. As used in this paragraph,
23 "dangerous weapon" means 1 or more of the following:

24 (i) A loaded or unloaded firearm, whether operable or
25 inoperable.

26 (ii) A knife, stabbing instrument, brass knuckles, blackjack,
27 club, or other object specifically designed or customarily carried

1 or possessed for use as a weapon.

2 (iii) An object that is likely to cause death or bodily injury
3 when used as a weapon and that is used as a weapon or carried or
4 possessed for use as a weapon.

5 (iv) An object or device that is used or fashioned in a manner
6 to lead a person to believe the object or device is an object or
7 device described in subparagraphs (i) to (iii).

8 (C) A violation of section 186a of the Michigan penal code,
9 1931 PA 328, MCL 750.186a, regarding escape or attempted escape
10 from a juvenile facility, but only if the juvenile facility from
11 which the individual escaped or attempted to escape was 1 of the
12 following:

13 (i) A high-security or medium-security facility operated by
14 the department of human services or a county juvenile agency.

15 (ii) A high-security facility operated by a private agency
16 under contract with the department of human services or a county
17 juvenile agency.

18 (D) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
19 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403.

20 (E) An attempt to commit a violation described in paragraphs
21 (A) to (D).

22 (F) Conspiracy to commit a violation described in paragraphs
23 (A) to (D).

24 (G) Solicitation to commit a violation described in paragraphs
25 (A) to (D).

26 (H) A lesser included offense of a violation described in
27 paragraphs (A) to (G) if the individual is charged with a violation

1 described in paragraphs (A) to (G).

2 (I) Another violation arising out of the same transaction as a
3 violation described in paragraphs (A) to (G) if the individual is
4 charged with a violation described in paragraphs (A) to (G).

5 (2) The juvenile has deserted his or her home without
6 sufficient cause, and the court finds on the record that the
7 juvenile has been placed or refused alternative placement or the
8 juvenile and the juvenile's parent, guardian, or custodian have
9 exhausted or refused family counseling.

10 (3) The juvenile is repeatedly disobedient to the reasonable
11 and lawful commands of his or her parents, guardian, or custodian,
12 and the court finds on the record by clear and convincing evidence
13 that court-accessed services are necessary.

14 (4) The juvenile willfully and repeatedly absents himself or
15 herself from school or other learning program intended to meet the
16 juvenile's educational needs, or repeatedly violates rules and
17 regulations of the school or other learning program, and the court
18 finds on the record that the juvenile, the juvenile's parent,
19 guardian, or custodian, and school officials or learning program
20 personnel have met on the juvenile's educational problems and
21 educational counseling and alternative agency help have been
22 sought. As used in this sub-subdivision only, "learning program"
23 means an organized educational program that is appropriate, given
24 the age, intelligence, ability, and psychological limitations of a
25 juvenile, in the subject areas of reading, spelling, mathematics,
26 science, history, civics, writing, and English grammar.

27 (b) Jurisdiction in proceedings concerning a juvenile under 18

1 years of age found within the county:

2 (1) Whose parent or other person legally responsible for the
3 care and maintenance of the juvenile, when able to do so, neglects
4 or refuses to provide proper or necessary support, education,
5 medical, surgical, or other care necessary for his or her health or
6 morals, who is subject to a substantial risk of harm to his or her
7 mental well-being, who is abandoned by his or her parents,
8 guardian, or other custodian, or who is without proper custody or
9 guardianship. As used in this sub-subdivision:

10 (A) "Education" means learning based on an organized
11 educational program that is appropriate, given the age,
12 intelligence, ability, and psychological limitations of a juvenile,
13 in the subject areas of reading, spelling, mathematics, science,
14 history, civics, writing, and English grammar.

15 (B) "Without proper custody or guardianship" does not mean a
16 parent has placed the juvenile with another person who is legally
17 responsible for the care and maintenance of the juvenile and who is
18 able to and does provide the juvenile with proper care and
19 maintenance.

20 (2) Whose home or environment, by reason of neglect, cruelty,
21 drunkenness, criminality, or depravity on the part of a parent,
22 guardian, nonparent adult, or other custodian, is an unfit place
23 for the juvenile to live in.

24 (3) If the juvenile is dependent and is in danger of
25 substantial physical or psychological harm. The juvenile may be
26 found to be dependent when any of the following occurs:

27 (A) The juvenile is homeless or not domiciled with a parent or

1 other legally responsible person.

2 (B) The juvenile has repeatedly run away from home and is
3 beyond the control of a parent or other legally responsible person.

4 (C) The juvenile is alleged to have committed a commercial
5 sexual activity as that term is defined in section 462a of the
6 Michigan penal code, 1931 PA 328, MCL 750.462a or a delinquent act
7 that is the result of force, fraud, coercion, or manipulation
8 exercised by a parent or other adult.

9 (D) The juvenile's custodial parent or legally responsible
10 person has died or has become permanently incapacitated and no
11 appropriate parent or legally responsible person is willing and
12 able to provide care for the juvenile.

13 (4) Whose parent has substantially failed, without good cause,
14 to comply with a limited guardianship placement plan described in
15 section 5205 of the estates and protected individuals code, 1998 PA
16 386, MCL 700.5205, regarding the juvenile.

17 (5) Whose parent has substantially failed, without good cause,
18 to comply with a court-structured plan described in section 5207 or
19 5209 of the estates and protected individuals code, 1998 PA 386,
20 MCL 700.5207 and 700.5209, regarding the juvenile.

21 (6) If the juvenile has a guardian under the estates and
22 protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206,
23 and the juvenile's parent meets both of the following criteria:

24 (A) The parent, having the ability to support or assist in
25 supporting the juvenile, has failed or neglected, without good
26 cause, to provide regular and substantial support for the juvenile
27 for 2 years or more before the filing of the petition or, if a

1 support order has been entered, has failed to substantially comply
2 with the order for 2 years or more before the filing of the
3 petition.

4 (B) The parent, having the ability to visit, contact, or
5 communicate with the juvenile, has regularly and substantially
6 failed or neglected, without good cause, to do so for 2 years or
7 more before the filing of the petition.

8 If a petition is filed in the court alleging that a juvenile
9 is within the provisions of subdivision (b)(1), (2), (3), (4), (5),
10 or (6) and the custody of that juvenile is subject to the prior or
11 continuing order of another court of record of this state, the
12 manner of notice to the other court of record and the authority of
13 the court to proceed is governed by rule of the supreme court.

14 (c) Jurisdiction over juveniles under 18 years of age,
15 jurisdiction of whom has been waived to the family division of
16 circuit court by a circuit court under a provision in a temporary
17 order for custody of juveniles based upon a complaint for divorce
18 or upon a motion related to a complaint for divorce by the
19 prosecuting attorney, in a divorce judgment dissolving a marriage
20 between the juvenile's parents, or by an amended judgment relative
21 to the juvenile's custody in a divorce.

22 (d) If the court finds on the record that voluntary services
23 have been exhausted or refused, concurrent jurisdiction in
24 proceedings concerning a juvenile between the ages of 17 and 18
25 found within the county who is 1 or more of the following:

26 (1) Repeatedly addicted to the use of drugs or the intemperate
27 use of alcoholic liquors.

1 (2) Repeatedly associating with criminal, dissolute, or
2 disorderly persons.

3 (3) Found of his or her own free will and knowledge in a house
4 of prostitution, assignation, or ill-fame.

5 (4) Repeatedly associating with thieves, prostitutes, pimps,
6 or procurers.

7 (5) Willfully disobedient to the reasonable and lawful
8 commands of his or her parents, guardian, or other custodian and in
9 danger of becoming morally depraved.

10 If a juvenile is brought before the court in a county other
11 than that in which the juvenile resides, before a hearing and with
12 the consent of the judge of the court in the county of residence,
13 the court may enter an order transferring jurisdiction of the
14 matter to the court of the county of residence. Consent to transfer
15 jurisdiction is not required if the county of residence is a county
16 juvenile agency and satisfactory proof of residence is furnished to
17 the court of the county of residence. The order does not constitute
18 a legal settlement in this state that is required for the purpose
19 of section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
20 The order and a certified copy of the proceedings in the
21 transferring court shall be delivered to the court of the county of
22 residence. A case designated as a case in which the juvenile shall
23 be tried in the same manner as an adult under section 2d of this
24 chapter may be transferred for venue or for juvenile disposition,
25 but shall not be transferred on grounds of residency. If the case
26 is not transferred, the court having jurisdiction of the offense
27 shall try the case.

1 (e) Authority to establish or assist in developing a program
2 or programs within the county to prevent delinquency and provide
3 services to act upon reports submitted to the court related to the
4 behavior of a juvenile who does not require formal court
5 jurisdiction but otherwise falls within subdivision (a). These
6 services shall be used only if the juvenile and his or her parents,
7 guardian, or custodian voluntarily accepts them.

8 (f) ~~IF~~ **UNTIL THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
9 **REPEALED SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA**
10 **236, MCL 600.606, IF** the court operates a detention home for
11 juveniles within the court's jurisdiction under subdivision (a)(1),
12 authority to place a juvenile within that home pending trial if the
13 juvenile is within the circuit court's jurisdiction under section
14 606 of the revised judicature act of 1961, 1961 PA 236, MCL
15 600.606, and if the circuit court orders the family division of
16 circuit court in the same county to place the juvenile in that
17 home. The family division of circuit court shall comply with that
18 order.

19 (g) Authority to place a juvenile in a county jail under
20 section 27a of chapter IV of the code of criminal procedure, 1927
21 PA 175, MCL 764.27a, if the court designates the case under section
22 2d of this chapter as a case in which the juvenile is to be tried
23 in the same manner as an adult and the court determines there is
24 probable cause to believe that the offense was committed and
25 probable cause to believe the juvenile committed that offense.

26 (h) Jurisdiction over a proceeding under section 2950 or 2950a
27 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950

1 and 600.2950a, in which a minor less than 18 years of age is the
2 respondent, or a proceeding to enforce a valid foreign protection
3 order issued against a respondent who is a minor less than 18 years
4 of age. A personal protection order shall not be issued against a
5 respondent who is a minor less than 10 years of age. Venue for an
6 initial action under section 2950 or 2950a of the revised
7 judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, is
8 proper in the county of residence of either the petitioner or
9 respondent. If the respondent does not live in this state, venue
10 for the initial action is proper in the petitioner's county of
11 residence.

12 (i) In a proceeding under this chapter concerning a juvenile's
13 care and supervision, the court may issue orders affecting a party
14 as necessary. This subdivision does not apply after May 1, 2018. As
15 used in this subdivision, "party" means 1 of the following:

16 (i) In a delinquency proceeding, the petitioner and juvenile.

17 (ii) In a child protective proceeding, the petitioner,
18 department of human services, child, respondent, parent, guardian,
19 or legal custodian, and any licensed child caring institution or
20 child placing agency under contract with the department of human
21 services to provide for a juvenile's care and supervision.

22 Sec. 2d. (1) ~~IN UNTIL THE EFFECTIVE DATE OF THE AMENDATORY ACT~~
23 ~~THAT REPEALED SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961,~~
24 ~~1961 PA 236, MCL 600.606, IN~~ a petition or amended petition
25 alleging that a juvenile is within the court's jurisdiction under
26 section 2(a)(1) of this chapter for a specified juvenile violation,
27 the prosecuting attorney may designate the case as a case in which

1 the juvenile is to be tried in the same manner as an adult. An
2 amended petition making a designation under this subsection shall
3 be filed only by leave of the court.

4 (2) In a petition alleging that a juvenile is within the
5 court's jurisdiction under section 2(a)(1) of this chapter, **UNTIL**
6 **THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT REPEALED SECTION 606**
7 **OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.606,**
8 for an offense other than a specified juvenile violation, the
9 prosecuting attorney may request that the court designate the case
10 as a case in which the juvenile is to be tried in the same manner
11 as an adult. The court may designate the case following a hearing
12 if it determines that the best interests of the juvenile and the
13 public would be served by the juvenile being tried in the same
14 manner as an adult. In determining whether the best interests of
15 the juvenile and the public would be served, the court shall
16 consider all of the following factors, giving greater weight to the
17 seriousness of the alleged offense and the juvenile's prior
18 delinquency record than to the other factors:

19 (a) The seriousness of the alleged offense in terms of
20 community protection, including, but not limited to, the existence
21 of any aggravating factors recognized by the sentencing guidelines,
22 the use of a firearm or other dangerous weapon, and the impact on
23 any victim.

24 (b) The juvenile's culpability in committing the alleged
25 offense, including, but not limited to, the level of the juvenile's
26 participation in planning and carrying out the offense and the
27 existence of any aggravating or mitigating factors recognized by

1 the sentencing guidelines.

2 (c) The juvenile's prior record of delinquency including, but
3 not limited to, any record of detention, any police record, any
4 school record, or any other evidence indicating prior delinquent
5 behavior.

6 (d) The juvenile's programming history, including, but not
7 limited to, the juvenile's past willingness to participate
8 meaningfully in available programming.

9 (e) The adequacy of the punishment or programming available in
10 the juvenile justice system.

11 (f) The dispositional options available for the juvenile.

12 (3) If a case is designated under this section, the case shall
13 be set for trial in the same manner as the trial of an adult in a
14 court of general criminal jurisdiction unless a probable cause
15 hearing is required under subsection (4).

16 (4) If the petition in a case designated under this section
17 alleges an offense that if committed by an adult would be a felony
18 or punishable by imprisonment for more than 1 year, the court shall
19 conduct a probable cause hearing not later than 14 days after the
20 case is designated to determine whether there is probable cause to
21 believe the offense was committed and whether there is probable
22 cause to believe the juvenile committed the offense. ~~This~~ **UNTIL THE**
23 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT REPEALED SECTION 606 OF**
24 **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.606, THIS**
25 hearing may be combined with the designation hearing under
26 subsection (2) for an offense other than a specified juvenile
27 offense. A probable cause hearing under this section is the

1 equivalent of the preliminary examination in a court of general
2 criminal jurisdiction and satisfies the requirement for that
3 hearing. A probable cause hearing shall be conducted by a judge
4 other than the judge who will try the case if the juvenile is tried
5 in the same manner as an adult.

6 (5) If the court determines there is probable cause to believe
7 the offense alleged in the petition was committed and probable
8 cause to believe the juvenile committed the offense, the case shall
9 be set for trial in the same manner as the trial of an adult in a
10 court of general criminal jurisdiction.

11 (6) If the court determines that an offense did not occur or
12 there is not probable cause to believe the juvenile committed the
13 offense, the court shall dismiss the petition. If the court
14 determines there is probable cause to believe another offense was
15 committed and there is probable cause to believe the juvenile
16 committed that offense, the court may further determine whether the
17 case should be designated as a case in which the juvenile should be
18 tried in the same manner as an adult as provided in subsection (2).
19 If the court designates the case, the case shall be set for trial
20 in the same manner as the trial of an adult in a court of general
21 criminal jurisdiction.

22 (7) If a case is designated under this section, the
23 proceedings are criminal proceedings and shall afford all
24 procedural protections and guarantees to which the juvenile would
25 be entitled if being tried for the offense in a court of general
26 criminal jurisdiction. A plea of guilty or nolo contendere or a
27 verdict of guilty shall result in entry of a judgment of

1 conviction. The conviction shall have the same effect and
2 liabilities as if it had been obtained in a court of general
3 criminal jurisdiction.

4 (8) Following a judgment of conviction, the court shall enter
5 a disposition or impose a sentence authorized under section
6 ~~18(1)(n)~~**18(1)(M)** of this chapter.

7 (9) As used in this section, "specified juvenile violation"
8 means any of the following:

9 (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,
10 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,
11 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
12 750.349, 750.520b, 750.529, 750.529a, and 750.531.

13 (b) A violation of section 84 or 110a(2) of the Michigan penal
14 code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is
15 armed with a dangerous weapon. As used in this subdivision,
16 "dangerous weapon" means 1 or more of the following:

17 (i) A loaded or unloaded firearm, whether operable or
18 inoperable.

19 (ii) A knife, stabbing instrument, brass knuckles, blackjack,
20 club, or other object specifically designed or customarily carried
21 or possessed for use as a weapon.

22 (iii) An object that is likely to cause death or bodily injury
23 when used as a weapon and that is used as a weapon or carried or
24 possessed for use as a weapon.

25 (iv) An object or device that is used or fashioned in a manner
26 to lead a person to believe the object or device is an object or
27 device described in subparagraphs (i) to (iii).

1 (c) A violation of section 186a of the Michigan penal code,
2 1931 PA 328, MCL 750.186a, regarding escape or attempted escape
3 from a juvenile facility, but only if the juvenile facility from
4 which the juvenile escaped or attempted to escape was 1 of the
5 following:

6 (i) A high-security or medium-security facility operated by
7 the family independence agency or a county juvenile agency.

8 (ii) A high-security facility operated by a private agency
9 under contract with the family independence agency or a county
10 juvenile agency.

11 (d) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
12 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403.

13 (e) An attempt to commit a violation described in subdivisions
14 (a) to (d).

15 (f) Conspiracy to commit a violation described in subdivisions
16 (a) to (d).

17 (g) Solicitation to commit a violation described in
18 subdivisions (a) to (d).

19 (h) Any lesser included offense of an offense described in
20 subdivisions (a) to (g) if the juvenile is alleged in the petition
21 to have committed an offense described in subdivisions (a) to (g).

22 (i) Any other offense arising out of the same transaction as
23 an offense described in subdivisions (a) to (g) if the juvenile is
24 alleged in the petition to have committed an offense described in
25 subdivisions (a) to (g).

26 Sec. 4. (1) If a juvenile 14 years of age or older is accused
27 of an act that if committed by an adult would be a felony, the

1 judge of the family division of circuit court in the county in
2 which the offense is alleged to have been committed may waive
3 jurisdiction under this section upon motion of the prosecuting
4 attorney. After waiver, the juvenile may be tried in the court
5 having general criminal jurisdiction of the offense.

6 (2) Before conducting a hearing on the motion to waive
7 jurisdiction, the court shall give notice of the hearing in the
8 manner provided by supreme court rule to the juvenile and the
9 prosecuting attorney and, if addresses are known, to the juvenile's
10 parents or guardians. The notice shall state clearly that a waiver
11 of jurisdiction to a court of general criminal jurisdiction has
12 been requested and that, if granted, the juvenile can be prosecuted
13 for the alleged offense as though he or she were an adult.

14 (3) Before the court waives jurisdiction, the court shall
15 determine on the record if there is probable cause to believe that
16 an offense has been committed that if committed by an adult would
17 be a felony and if there is probable cause to believe that the
18 juvenile committed the offense. Before a juvenile may waive a
19 probable cause hearing under this subsection, the court shall
20 inform the juvenile that a waiver of this subsection waives the
21 preliminary examination required by chapter VI of the code of
22 criminal procedure, ~~Act No. 175 of the Public Acts of 1927, being~~
23 ~~sections 766.1 to 766.18 of the Michigan Compiled Laws-1927 PA 175,~~
24 **MCL 766.1 TO 766.18.**

25 (4) Upon a showing of probable cause under subsection (3), the
26 court shall conduct a hearing to determine if the best interests of
27 the juvenile and the public would be served by granting a waiver of

1 jurisdiction to the court of general criminal jurisdiction. In
2 making its determination, the court shall consider all of the
3 following criteria, giving greater weight to the seriousness of the
4 alleged offense and the juvenile's prior record of delinquency than
5 to the other criteria:

6 (a) The seriousness of the alleged offense in terms of
7 community protection, including, but not limited to, the existence
8 of any aggravating factors recognized by the sentencing guidelines,
9 the use of a firearm or other dangerous weapon, and the impact on
10 any victim.

11 (b) The culpability of the juvenile in committing the alleged
12 offense, including, but not limited to, the level of the juvenile's
13 participation in planning and carrying out the offense and the
14 existence of any aggravating or mitigating factors recognized by
15 the sentencing guidelines.

16 (c) The juvenile's prior record of delinquency including, but
17 not limited to, any record of detention, any police record, any
18 school record, or any other evidence indicating prior delinquent
19 behavior.

20 (d) The juvenile's programming history, including, but not
21 limited to, the juvenile's past willingness to participate
22 meaningfully in available programming.

23 (e) The adequacy of the punishment or programming available in
24 the juvenile justice system.

25 (f) The dispositional options available for the juvenile.

26 (5) If the court determines that there is probable cause to
27 believe that an offense has been committed that if committed by an

1 adult would be a felony and that the juvenile committed the
2 offense, the court shall waive jurisdiction of the juvenile if the
3 court finds that the juvenile has previously been subject to the
4 jurisdiction of the circuit court under this section or, **UNTIL THE**
5 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT REPEALED SECTION 606 OF**
6 **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.606,**
7 section 606 of the revised judicature act of 1961, ~~Act No. 236 of~~
8 ~~the Public Acts of 1961, being section 600.606 of the Michigan~~
9 ~~Compiled Laws, or the recorder's court of the city of Detroit under~~
10 ~~this section or section 10a(1)(c) of Act No. 369 of the Public Acts~~
11 ~~of 1919, being section 725.10a of the Michigan Compiled Laws.~~**1961**
12 **PA 236, MCL 600.606.**

13 (6) If legal counsel has not been retained or appointed to
14 represent the juvenile, the court shall advise the juvenile and his
15 or her parents, guardian, custodian, or guardian ad litem of the
16 juvenile's right to representation and appoint legal counsel. If
17 the court appoints legal counsel, the judge may assess the cost of
18 providing legal counsel as costs against the juvenile or those
19 responsible for his or her support, or both, if the persons to be
20 assessed are financially able to comply.

21 (7) Legal counsel shall have access to records or reports
22 provided and received by the judge as a basis for decision in
23 proceedings for waiver of jurisdiction. A continuance shall be
24 granted at legal counsel's request if any report, information, or
25 recommendation not previously available is introduced or developed
26 at the hearing and the interests of justice require a continuance.

27 (8) The court shall enter a written order either granting or

1 denying the motion to waive jurisdiction and the court shall state
2 on the record or in a written opinion the court's findings of fact
3 and conclusions of law forming the basis for entering the order. If
4 a juvenile is waived, a transcript of the court's findings or a
5 copy of the written opinion shall be sent to the court of general
6 criminal jurisdiction.

7 (9) If the court does not waive jurisdiction, a transcript of
8 the court's findings or, if a written opinion is prepared, a copy
9 of the written opinion shall be sent to the prosecuting attorney,
10 juvenile, or juvenile's attorney upon request.

11 (10) If the court waives jurisdiction, the juvenile shall be
12 arraigned on an information filed by the prosecutor in the court of
13 general criminal jurisdiction. The probable cause finding under
14 subsection (3) satisfies the requirements of, and is the equivalent
15 of, the preliminary examination required by chapter VI of ~~Act No.~~
16 ~~175 of the Public Acts of 1927.~~ **THE CODE OF CRIMINAL PROCEDURE, 1927**
17 **PA 175, MCL 766.1 TO 766.18.**

18 (11) As used in this section, "felony" means an offense
19 punishable by imprisonment for more than 1 year or an offense
20 designated by law as a felony.

21 Sec. 18h. A juvenile sentenced to imprisonment under section
22 ~~18(1)(n)~~ **18(1)(M)** of this chapter shall not be committed to the
23 jurisdiction of the department of corrections. ~~This~~ **UNTIL THE**
24 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT REPEALED SECTION 606 OF**
25 **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.606, THIS**
26 section does not apply if the juvenile was convicted of a specified
27 juvenile violation as defined in section 2d of this chapter.

1 Enacting section 1. Section 606 of the revised judicature act
2 of 1961, 1961 PA 236, MCL 600.606, is repealed effective 90 days
3 after the effective date of this amendatory act.

4 Enacting section 2. This amendatory act takes effect 90 days
5 after the date it is enacted into law.

6 Enacting section 3. This amendatory act does not take effect
7 unless all of the following bills of the 98th Legislature are
8 enacted into law:

9 (a) Senate Bill No. _____ or House Bill No. 5318 (request no.
10 02924'15 a).

11 (b) Senate Bill No. _____ or House Bill No. 5319 (request no.
12 02924'15 b).

13 (c) Senate Bill No. _____ or House Bill No. 5321 (request no.
14 02924'15 c).

15 (d) Senate Bill No. _____ or House Bill No. 5323 (request no.
16 02924'15 d).

17 (e) Senate Bill No. _____ or House Bill No. 5322 (request no.
18 02924'15 e).

19 (f) Senate Bill No. _____ or House Bill No. 5324 (request no.
20 02924'15 f).

21 (g) Senate Bill No. _____ or House Bill No. 5320 (request no.
22 02924'15 g).