



1 making a designation under this subsection must be filed only by  
2 leave of the court.

3 (2) In a petition alleging that a juvenile is within the  
4 court's jurisdiction under section 2(a)(1) of this chapter for an  
5 offense other than a specified juvenile violation, the prosecuting  
6 attorney may request that the court designate the case as a case in  
7 which the juvenile is to be tried in the same manner as an adult.  
8 The court may designate the case following a hearing if it  
9 determines that the best interests of the juvenile and the public  
10 would be served by the juvenile being tried in the same manner as  
11 an adult. In determining whether the best interests of the juvenile  
12 and the public would be served, the court shall consider all of the  
13 following factors, giving greater weight to the seriousness of the  
14 alleged offense and the juvenile's prior delinquency record than to  
15 the other factors:

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

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

26 (c) The juvenile's prior record of delinquency ~~including, but~~  
27 ~~not limited to, any record of detention, any police record, any~~  
28 ~~school record, or any other evidence indicating prior delinquent~~  
29 ~~behavior.~~ **that would be a crime if committed by an adult.**

1 (d) The juvenile's programming history, including, but not  
2 limited to, **any out-of-home placement or treatment** and the  
3 juvenile's past willingness to participate meaningfully in  
4 available programming.

5 (e) The adequacy of the ~~punishment or programming~~ available to  
6 **rehabilitate and hold accountable the juvenile** in the juvenile  
7 justice system **and the juvenile's amenability to treatment.**

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

9 **(g) The juvenile's developmental maturity, emotional health,**  
10 **and mental health.**

11 **(h) If the juvenile is a member of a federally recognized**  
12 **Indian tribe, culturally honoring traditional values of the**  
13 **juvenile's tribe.**

14 **(i) The impact on any victim.**

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

19 (4) If the petition in a case designated under this section  
20 alleges an offense that if committed by an adult would be a felony  
21 or punishable by imprisonment for more than 1 year, the court shall  
22 conduct a probable cause hearing not later than 14 days after the  
23 case is designated to determine whether there is probable cause to  
24 believe the offense was committed and whether there is probable  
25 cause to believe the juvenile committed the offense. This hearing  
26 may be combined with the designation hearing under subsection (2)  
27 for an offense other than a specified juvenile offense. A probable  
28 cause hearing under this section is the equivalent of the  
29 preliminary examination in a court of general criminal jurisdiction

1 and satisfies the requirement for that hearing. A probable cause  
2 hearing must be conducted by a judge other than the judge who will  
3 try the case if the juvenile is tried in the same manner as an  
4 adult.

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

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

21 (7) If a case is designated under this section, the  
22 proceedings are criminal proceedings and must afford all procedural  
23 protections and guarantees to which the juvenile would be entitled  
24 if being tried for the offense in a court of general criminal  
25 jurisdiction. A plea of guilty or nolo contendere or a verdict of  
26 guilty must result in entry of a judgment of conviction. The  
27 conviction must have the same effect and liabilities as if it had  
28 been obtained in a court of general criminal jurisdiction.

29 (8) Following a judgment of conviction, the court shall enter

1 a disposition or impose a sentence authorized under section  
 2 ~~18(1)(p)~~ **18(1)(o)** of this chapter.

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

5 (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,  
 6 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,  
 7 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,  
 8 750.349, 750.520b, 750.529, 750.529a, and 750.531.

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

13 (i) A loaded or unloaded firearm, whether operable or  
 14 inoperable.

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

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

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

24 (c) A violation of section 186a of the Michigan penal code,  
 25 1931 PA 328, MCL 750.186a, regarding escape or attempted escape  
 26 from a juvenile facility, but only if the juvenile facility from  
 27 which the juvenile escaped or attempted to escape was 1 of the  
 28 following:

29 (i) A high-security or medium-security facility operated by the

1 ~~family independence agency~~ **department** or a county juvenile agency.

2 (ii) A high-security facility operated by a private agency  
3 under contract with the ~~family independence agency~~ **department** or a  
4 county juvenile agency.

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

7 (e) An attempt to commit a violation described in subdivisions  
8 (a) to (d).

9 (f) Conspiracy to commit a violation described in subdivisions  
10 (a) to (d).

11 (g) Solicitation to commit a violation described in  
12 subdivisions (a) to (d).

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

16 (i) Any other offense arising out of the same transaction as  
17 an offense described in subdivisions (a) to (g) if the juvenile is  
18 alleged in the petition to have committed an offense described in  
19 subdivisions (a) to (g).

20 Sec. 2f. (1) If the court determines that formal jurisdiction  
21 should not be acquired over a juvenile, the court may proceed in an  
22 informal manner referred to as a consent calendar.

23 (2) A case ~~shall~~ **must** not be placed on the consent calendar  
24 unless the juvenile and the parent, guardian, or legal custodian  
25 and the prosecutor agree to have the case placed on the consent  
26 calendar.

27 (3) The court may transfer a case from the formal calendar to  
28 the consent calendar at any time before disposition. A case  
29 involving the alleged commission of an offense as that term is

1 defined in section 31 of the William Van Regenmorter crime victim's  
2 rights act, 1985 PA 87, MCL 780.781, ~~shall~~**must** only be placed on  
3 the consent calendar upon compliance with the procedures set forth  
4 in section 36b of the William Van Regenmorter crime victim's rights  
5 act, 1985 PA 87, MCL 780.786b.

6 (4) After a case is placed on the consent calendar, the  
7 prosecutor shall provide the victim with notice as required by  
8 article 2 of the William Van Regenmorter crime victim's rights act,  
9 1985 PA 87, MCL 780.781 to 780.802.

10 (5) Consent calendar cases must be maintained in the following  
11 nonpublic manner:

12 (a) Access to consent calendar case records ~~shall~~**must** be  
13 provided to the juvenile, the juvenile's parents, guardian, or  
14 legal custodian, the guardian ad litem, counsel for the juvenile,  
15 the department of health and human services if related to an  
16 investigation of neglect and abuse, law enforcement personnel,  
17 prosecutor, and other courts. However, consent calendar case  
18 records ~~shall~~**must** not be disclosed to federal agencies or military  
19 recruiters. ~~For purposes of this subsection, As used in this~~  
20 **subdivision, "case records" includes the pleadings, motions,**  
21 **authorized petitions, notices, memoranda, briefs, exhibits,**  
22 **available transcripts, findings of the court, register of actions,**  
23 **consent calendar case plan, and court orders related to the case**  
24 **placed on the consent calendar.**

25 (b) The contents of the confidential file ~~, as defined in MCR~~  
26 ~~3.903,~~ ~~shall~~**must** continue to be maintained confidentially. **As used**  
27 **in this subdivision, "confidential file" means that term as defined**  
28 **in MCR 3.903.**

29 (6) The court shall conduct a consent calendar conference with

1 the juvenile, the juvenile's attorney, if any, and the juvenile's  
2 parent, guardian, or legal custodian to discuss the allegations.  
3 The prosecuting attorney and victim may be, but are not required to  
4 be, present.

5 (7) If it appears to the court that the juvenile has engaged  
6 in conduct that would subject the juvenile to the jurisdiction of  
7 the court, the court shall issue a written consent calendar case  
8 plan. All of the following apply to a consent calendar case plan:

9 (a) The plan may include a provision requiring the juvenile,  
10 parent, guardian, or legal custodian to reimburse the court for the  
11 cost of the consent calendar services for the juvenile. The  
12 reimbursement amount ~~shall~~**must** be reasonable, taking into account  
13 the juvenile's income and resources. The plan ~~shall~~**must** also  
14 include a requirement that the juvenile pay restitution under the  
15 William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL  
16 780.751 to 780.834.

17 (b) A consent calendar case plan ~~shall~~**must** not contain a  
18 provision removing the juvenile from the custody of the juvenile's  
19 parent, guardian, or legal custodian.

20 (c) **The period for a juvenile to complete the terms of a**  
21 **consent calendar case plan must not exceed 6 months, unless the**  
22 **court determines that a longer period is needed for the juvenile to**  
23 **complete a specific treatment program and includes this**  
24 **determination as part of the consent calendar case record.**

25 (d) ~~(e)~~The consent calendar case plan is not an order of the  
26 court, but ~~shall~~**must** be included as a part of the case record.

27 (e) ~~(d)~~Violation of the terms of the consent calendar case  
28 plan may result in the court's returning the case to the formal  
29 calendar for further proceedings consistent with subsection (10).



1 (8) The court shall not enter an order of disposition in a  
2 case while it is on the consent calendar.

3 (9) Upon successful completion by the juvenile of the consent  
4 calendar case plan, the court shall close the case and shall  
5 destroy all records of the proceeding in accordance with the  
6 records management policies and procedures of the state court  
7 administrative office, established in accordance with supreme court  
8 rules.

9 (10) If it appears to the court at any time that proceeding on  
10 the consent calendar is not in the best interest of either the  
11 juvenile or the public, the court shall proceed as follows:

12 (a) If the court did not authorize the original petition, the  
13 court may, without hearing, transfer the case from the consent  
14 calendar to the formal calendar on the charges contained in the  
15 original petition to determine whether the petition should be  
16 authorized.

17 (b) If the court authorized the original petition, the court  
18 may transfer the case from the consent calendar to the formal  
19 calendar on the charges contained in the original petition only  
20 after a hearing. After transfer to the formal calendar, the court  
21 shall proceed with the case from where it left off before being  
22 placed on the consent calendar.

23 (11) Statements made by the juvenile during the proceeding on  
24 the consent calendar ~~shall~~**must** not be used against the juvenile at  
25 a trial on the formal calendar on the same charge.

26 (12) Upon a judicial determination that the juvenile has  
27 completed the terms of the consent calendar case plan, the court  
28 shall report the successful completion of the consent calendar to  
29 the juvenile and the department of state police. The department of

1 state police shall maintain a nonpublic record of the case. This  
2 record ~~shall~~**must** be open to the courts of this state, another  
3 state, or the United States, the department of corrections, law  
4 enforcement personnel, and prosecutors ~~only~~**only** for use **only** in the  
5 performance of their duties or to determine whether an employee of  
6 the court, department, law enforcement agency, or prosecutor's  
7 office has violated ~~his or her~~ conditions of employment or whether  
8 an applicant meets criteria for employment with the court,  
9 department, law enforcement agency, or prosecutor's office.

10 Sec. 4. (1) If a juvenile 14 years of age or older is accused  
11 of an act that if committed by an adult would be a felony, the  
12 judge of the family division of circuit court in the county in  
13 which the offense is alleged to have been committed may waive  
14 jurisdiction under this section upon motion of the prosecuting  
15 attorney. After waiver, the juvenile may be tried in the court  
16 having general criminal jurisdiction of the offense.

17 (2) Before conducting a hearing on the motion to waive  
18 jurisdiction, the court shall give notice of the hearing in the  
19 manner provided by supreme court rule to the juvenile and the  
20 prosecuting attorney and, if addresses are known, to the juvenile's  
21 parents or guardians. The notice ~~shall~~**must** state clearly that a  
22 waiver of jurisdiction to a court of general criminal jurisdiction  
23 has been requested and that, if granted, the juvenile can be  
24 prosecuted for the alleged offense as though ~~he or she~~**the juvenile**  
25 were an adult.

26 (3) Before the court waives jurisdiction, the court shall  
27 determine on the record if there is probable cause to believe that  
28 an offense has been committed that if committed by an adult would  
29 be a felony and if there is probable cause to believe that the

1 juvenile committed the offense. Before a juvenile may waive a  
2 probable cause hearing under this subsection, the court shall  
3 inform the juvenile that a waiver of this subsection waives the  
4 preliminary examination required ~~by~~**under** chapter VI of the code of  
5 criminal procedure, ~~Act No. 175 of the Public Acts of 1927, being~~  
6 ~~sections 766.1 to 766.18 of the Michigan Compiled Laws.~~**1927 PA 175,**  
7 **MCL 766.1 to 766.18.**

8 (4) Upon a showing of probable cause under subsection (3), the  
9 court shall conduct a hearing to determine if the best interests of  
10 the juvenile and the public would be served by granting a waiver of  
11 jurisdiction to the court of general criminal jurisdiction. In  
12 making its determination, the court shall consider all of the  
13 following criteria, giving greater weight to the seriousness of the  
14 alleged offense and the juvenile's prior record of delinquency than  
15 to the other criteria:

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

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

26 (c) The juvenile's prior record of delinquency ~~including, but~~  
27 ~~not limited to, any record of detention, any police record, any~~  
28 ~~school record, or any other evidence indicating prior delinquent~~  
29 ~~behavior.~~**that would be a crime if committed by an adult.**

1 (d) The juvenile's programming history, including, but not  
 2 limited to, **any out-of-home placement or treatment** and the  
 3 juvenile's past willingness to participate meaningfully in  
 4 available programming.

5 (e) The adequacy of the ~~punishment or programming~~ available to  
 6 **rehabilitate and hold accountable the juvenile** in the juvenile  
 7 justice system **and the juvenile's amenability to treatment.**

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

9 **(g) The juvenile's developmental maturity, emotional health,**  
 10 **and mental health.**

11 **(h) If the juvenile is a member of a federally recognized**  
 12 **Indian tribe, culturally honoring traditional values of the**  
 13 **juvenile's tribe.**

14 **(i) The impact on any victim.**

15 (5) If the court determines that there is probable cause to  
 16 believe that an offense has been committed that if committed by an  
 17 adult would be a felony and that the juvenile committed the  
 18 offense, the court shall waive jurisdiction of the juvenile if the  
 19 court finds that the juvenile has previously been subject to the  
 20 jurisdiction of the circuit court under this section, ~~or section~~  
 21 ~~606 of the revised judicature act of 1961, Act No. 236 of the~~  
 22 ~~Public Acts of 1961, being section 600.606 of the Michigan Compiled~~  
 23 ~~Laws, or the recorder's court of the city of Detroit under this~~  
 24 ~~section or section 10a(1)(c) of Act No. 369 of the Public Acts of~~  
 25 ~~1919, being section 725.10a of the Michigan Compiled Laws.~~ **1961 PA**  
 26 **236, MCL 600.606.**

27 (6) If legal counsel has not been retained or appointed to  
 28 represent the juvenile, the court shall advise the juvenile and ~~his~~  
 29 ~~or her~~ **the juvenile's** parents, guardian, custodian, or guardian ad

1 litem of the juvenile's right to representation and appoint legal  
2 counsel. If the court appoints legal counsel, the judge may assess  
3 the cost of providing legal counsel as costs against the juvenile  
4 or those responsible for ~~his or her~~ **the juvenile's** support, or  
5 both, if the persons to be assessed are financially able to comply.

6 (7) Legal counsel shall have access to records or reports  
7 provided and received by the judge as a basis for decision in  
8 proceedings for waiver of jurisdiction. A continuance ~~shall~~ **must** be  
9 granted at legal counsel's request if any report, information, or  
10 recommendation not previously available is introduced or developed  
11 at the hearing and the interests of justice require a continuance.

12 (8) The court shall enter a written order either granting or  
13 denying the motion to waive jurisdiction and the court shall state  
14 on the record or in a written opinion the court's findings of fact  
15 and conclusions of law forming the basis for entering the order. If  
16 a juvenile is waived, a transcript of the court's findings or a  
17 copy of the written opinion ~~shall~~ **must** be sent to the court of  
18 general criminal jurisdiction.

19 (9) If the court does not waive jurisdiction, a transcript of  
20 the court's findings or, if a written opinion is prepared, a copy  
21 of the written opinion ~~shall~~ **must** be sent to the prosecuting  
22 attorney, juvenile, or juvenile's attorney upon request.

23 (10) If the court waives jurisdiction, the juvenile shall be  
24 arraigned on an information filed by the prosecutor in the court of  
25 general criminal jurisdiction. The probable cause finding under  
26 subsection (3) satisfies the requirements of, and is the equivalent  
27 of, the preliminary examination required ~~by~~ **under** chapter VI of ~~Act~~  
28 ~~No. 175 of the Public Acts of 1927.~~ **the code of criminal procedure,**  
29 **1927 PA 175, MCL 766.1 to 766.18.**

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

4           Enacting section 1. This amendatory act takes effect October  
5 1, 2024.