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BILL



ANALYSIS

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House Bill 4963 (as passed by the House)  
Sponsor: Representative Robert L. Kosowski  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 10-13-16

### **CONTENT**

**The bill would amend the Code of Criminal Procedure to require the State Court Administrator to report annually to the Legislature regarding juveniles under 18 years of age tried as adults.**

Specifically, the State Court Administrator would have to develop and provide an annual report to the Legislature regarding juveniles under 18 tried for felonies or misdemeanors in a court of general criminal jurisdiction in the same manner as adults.

The report would have to be submitted electronically and include at least all of the following:

- The number of juveniles in Michigan prosecuted as adults in a court having general criminal jurisdiction for a felony, misdemeanor, or traffic offense and, if convicted, the sentence entered by the court.
- The number of motions under Section 4 of the juvenile code by the prosecutor of each county to transfer juvenile matters from a probate court to a court having general criminal jurisdiction of the offense.
- For those juveniles tried as adults for felonies or misdemeanors, whether they were represented by counsel and, if so, whether the counsel was appointed or retained.
- The rate of recidivism for juveniles tried as adults for felonies or misdemeanors.

(Under Section 4 of the juvenile code, if a juvenile 14 years of age or older is accused of an act that would be a felony if committed by an adult, the judge of the family division of circuit court may waive jurisdiction upon motion of the prosecuting attorney, after notice and a hearing. After waiver, the juvenile may be tried in the court having general criminal jurisdiction of the offense.)

The annual report would have to include the following demographic and geographic data for each juvenile tried as an adult for a felony or misdemeanor:

- The custody status and custody history of the juvenile, if he or she was in the legal custody of an individual other than his or her biological parent at any time before his or her incarceration.
- The juvenile's educational and school history, including schools attended, grades completed, and suspensions or expulsions.

The bill would take effect on October 1, 2018.

Proposed MCL 769.1m

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the State and local courts. Gathering the required information and creating the required annual report could place incremental resource demands on local courts, the State Court Administrative Office, and the Department of Corrections; however, any additional costs would be covered by existing appropriations.

Fiscal Analyst: Ryan Bergan

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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.