

# HOUSE BILL NO. 4462

April 16, 2019, Introduced by Reps. Berman, Robinson, Green and Jones and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2015 PA 31.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER II  
2 Sec. 11. (1) Except as provided in subsections (2) and (3), if  
3 an individual pleads guilty to a criminal offense, committed on or



1 after the individual's seventeenth birthday but before his or her  
 2 twenty-fourth birthday, the court of record having jurisdiction of  
 3 the criminal offense may, without entering a judgment of conviction  
 4 and with the consent of that individual, consider and assign that  
 5 individual to the status of youthful trainee. If the offense was  
 6 committed on or after the individual's twenty-first birthday but  
 7 before his or her twenty-fourth birthday, the individual ~~shall~~**must**  
 8 not be assigned to youthful trainee status without the consent of  
 9 the prosecuting attorney.

10 (2) Subsection (1) does not apply to any of the following:

11 (a) A felony for which the maximum penalty is imprisonment for  
 12 life.

13 (b) A major controlled substance offense.

14 ~~(c) A traffic offense.~~

15 (c) ~~(d)~~ A violation, attempted violation, or conspiracy to  
 16 violate section 520b, 520c, 520d, or 520e of the Michigan penal  
 17 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520e,  
 18 other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal  
 19 code, 1931 PA 328, MCL 750.520d and 750.520e.

20 (d) ~~(e)~~ A violation, attempted violation, or conspiracy to  
 21 violate section 520g of the Michigan penal code, 1931 PA 328, MCL  
 22 750.520g, with the intent to commit a violation of section 520b,  
 23 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL  
 24 750.520b, 750.520c, 750.520d, and 750.520e, other than section  
 25 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328,  
 26 MCL 750.520d and 750.520e.

27 (3) The court shall not assign an individual to the status of  
 28 youthful trainee if any of the following apply:

29 (a) The individual was previously convicted of or adjudicated



1 for a listed offense for which registration is required under the  
2 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736.

3 (b) If the individual is charged with a listed offense for  
4 which registration is required under the sex offenders registration  
5 act, 1994 PA 295, MCL 28.721 to 28.736, the individual fails to  
6 carry the burden of proving by clear and convincing evidence that  
7 he or she is not likely to engage in further listed offenses.

8 (c) The court determines that the offense involved any of the  
9 following:

10 (i) A factor set forth in section 520b(1)(a) to (h) of the  
11 Michigan penal code, 1931 PA 328, MCL 750.520b.

12 (ii) A factor set forth in section 520c(1)(a) to (l) of the  
13 Michigan penal code, 1931 PA 328, MCL 750.520c.

14 (iii) A factor set forth in section 520d(1)(b) to (e) of the  
15 Michigan penal code, 1931 PA 328, MCL 750.520d.

16 (iv) A factor set forth in section 520e(1)(b) to (f) of the  
17 Michigan penal code, 1931 PA 328, MCL 750.520e.

18 (4) If the court assigns an individual to the status of  
19 youthful trainee under this section, the court may require the  
20 individual to maintain employment or to attend a high school, high  
21 school equivalency program, community college, college, university,  
22 or trade school. If the individual is not employed or attending a  
23 high school, community college, college, university, or trade  
24 school, the individual may be required to actively seek employment  
25 or entry into a high school, high school equivalency program,  
26 community college, college, university, or trade school.

27 (5) If the offense for which the individual is assigned to the  
28 status of youthful trainee status was committed on or after the  
29 individual's twenty-first birthday, the individual may, in addition



1 to the other requirements of this section, be subject to electronic  
2 monitoring during his or her probationary term as provided under  
3 section 3 of chapter XI.

4 (6) As used in this section, ÷

5 ~~(a) "Listed~~ **"listed** offense" means that term as defined in  
6 section 2 of the sex offenders registration act, 1994 PA 295, MCL  
7 28.722.

8 ~~(b) "Traffic offense" means a violation of the Michigan~~  
9 ~~vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of~~  
10 ~~a local ordinance substantially corresponding to that act, that~~  
11 ~~involves the operation of a vehicle and, at the time of the~~  
12 ~~violation, is a felony or a misdemeanor.~~

13 Enacting section 1. This amendatory act takes effect 90 days  
14 after the date it is enacted into law.

