

COURT JURISDICTION UNDER RAISE THE AGE

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Senate Bill 683 as passed by the Senate
Sponsor: Sen. Michael D. MacDonald
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety
Complete to 10-25-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 683 would amend Chapter XIIA of the Probate Code, generally known as the juvenile code.

One of the changes made by the recently effective Raise the Age legislation¹ is that a person who commits a crime while he or she is *under the age of 18* will first be within the jurisdiction of the family division of the circuit court. (Previously, this applied to a person who was *under the age of 17* at the time the offense was committed).

The bill would provide that, for crimes committed before October 1, 2021 (when the Raise the Age amendments took effect), if an *individual* (rather than a *juvenile*) is charged in a court other than the family division of the circuit court with a crime that was committed while he or she was *under the age of 17*, the case would have to be transferred without delay to the family division of the circuit court of the county in which the other court is located or in which the individual resides. For an offense committed on or after October 1, 2021, the case would have to be transferred to the appropriate family division of the circuit court if the individual was *under the age of 18* at the time the offense occurred.

In addition, the family division of the circuit court does not have jurisdiction over a *juvenile* after he or she attains the age of *18 years*, except as provided in section 2a of the juvenile code.

The bill would provide that the family division of the circuit court does not have jurisdiction of an *individual* after he or she attains the age of *19 years*.

MCL 712A.3 and 712A.5

BACKGROUND:

The juvenile court process is quite different from the process in place for adults. A juvenile (currently defined as a person under 18 years of age) who commits a criminal offense is typically adjudicated in the family division of the circuit court. If the juvenile committed a felony, depending on the nature or seriousness of the offense, the juvenile may receive a typical juvenile disposition in the family division (referred to as a delinquency proceeding), receive an adult sentence in the family division, or be waived to adult criminal court and tried and sentenced as an adult.

¹ See <https://www.legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-4133-67514053.pdf>

FISCAL IMPACT:

Senate Bill 683 would not have a significant fiscal impact on the Department of Health and Human Services (DHHS) or local units of government

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.