

HYTA: REVOCATION OF TRAINEE STATUS FOR CERTAIN SUBSEQUENT CRIMES

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House Bill 5585

Sponsor: Rep. Kurt Heise

Committee: Criminal Justice

Complete to 9-23-14

A SUMMARY OF HOUSE BILL 5585 AS INTRODUCED 5-20-14

Under the Holmes Youthful Trainee Act (HYTA), a youth between 17 and 20 years of age who pleads guilty to certain eligible crimes may be assigned youthful trainee status and placed in prison, jail, or on probation for a period not to exceed three years. Youth charged with a felony for which the maximum punishment is life imprisonment, a major controlled substance offense, or a traffic offense are excluded from eligibility in the program. Upon successful completion of the program, there is no criminal record. However, a court may, at its discretion, terminate its consideration of an individual as a youthful trainee or, once assigned, revoke the status of a trainee at any time before the individual's final release from the program.

House Bill 5585 amends the Holmes Youthful Trainee Act, within the Code of Criminal Procedure, to require a court to terminate its consideration of the individual as a youthful trainee and, once having assigned the individual to the status of youthful trainee, revoke that status, if – during the period of consideration or assignment – the individual is convicted of any of the following:

- ❖ A felony for which the maximum penalty is imprisonment for life.
- ❖ A major controlled substance offense.
- ❖ A violation, attempted violation, or conspiracy to violate:
 - Felonious assault.
 - Assault with intent to do great bodily harm less than murder.
 - Rob and steal, unarmed.
 - Home invasion, 1st-3rd degrees.
 - Possession of firearm or distribution of ammunition by person convicted of felony.
 - Carrying a firearm or dangerous weapon with unlawful intent.
 - Carrying a concealed weapon.
 - Unlawful possession of a pistol.
 - Possession of firearm during commission of a felony.
 - Criminal sexual conduct in the 1st-4th degrees.
 - Carjacking.
 - Using force or violence during commission of a larceny.

- ❖ A violation, attempted violation, or conspiracy to violate the prohibition on assault with intent to commit criminal sexual conduct, with some exceptions.

MCL 762.12

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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