

SFA

BILL ANALYSIS

RECEIVED

FEB 22 1988

Senate Fiscal Agency

• Lansing, Michigan 48909

• (517) 373-5383

Mich. State Law Library

House Bill 4572

Sponsor: Representative Nick Ciarmitaro

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 2-4-88

SUMMARY OF HOUSE BILL 4572 as passed by the House:

The bill would amend the juvenile code to specify circumstances under which the juvenile court could exclude the general public from juvenile proceedings, upon the motion of any party. This would replace the current authorization that allows all juvenile proceedings to be closed.

Except as otherwise provided in the Crime Victim's Rights Act, in cases in which a juvenile was charged with a violation of law or a status offense, the court could close the hearing if the court found on the record that a compelling governmental interest outweighed the public's right of access to the hearing, and the denial of access was narrowly tailored to accommodate that interest.

In abuse or neglect cases (and for divorce custody disputes in which the circuit court waived jurisdiction to the juvenile court), the court could close the hearing during the testimony of a child witness if the court found that closure was necessary to protect the child's welfare. In making that determination, the court would have to consider the age and psychological maturity of the child witness; the nature of the proceeding; and the desire of the child or his or her family or guardian to have the testimony taken in a room closed to the public.

In addition, current law provides that all records of juvenile cases are open only by court order to persons having a legitimate interest. Under the bill, this would apply only to records of a closed hearing, subject to the Crime Victim's Rights Act.

MCL 712A.17 and 712A.28

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on State and local government.

Fiscal Analyst: B. Bowerman

8788 S4572SA:S8788

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.