

Act No. 246
Public Acts of 1996
Approved by the Governor
June 11, 1996
Filed with the Secretary of State
June 12, 1996

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Reps. McBryde, Gernaat, Cropsey, Hill, Bobier, Goschka, Dalman, DeMars, Jellema, DeHart, Kelly, Hammerstrom and Dobb
Reps. Anthony, Bodem, Brackenridge, Bush, Byl, Crissman, DeLange, Dolan, Gagliardi, Geiger, Gnodtke, Horton, Jaye, Jersevic, Kaza, Kukuk, Law, London, Lowe, McManus, McNutt, Middaugh, Nye, Olshove, Owen, Oxender, Palamara, Perricone, Pitoniak, Profit, Rhead, Rocca, Ryan, Sikkema, Varga and Weeks named co-sponsors

ENROLLED HOUSE BILL No. 4371

AN ACT to amend section 7 of Act No. 150 of the Public Acts of 1974, entitled "An act to provide for the acceptance and care of youths committed to the department of social services as state wards; to prescribe the liability of counties for the cost of services for state wards; to prescribe procedures for the return of state wards who absent themselves without permission; to provide a penalty for the violation of this act; and to repeal certain acts and parts of acts," as amended by Act No. 198 of the Public Acts of 1994, being section 803.307 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 7 of Act No. 150 of the Public Acts of 1974, as amended by Act No. 198 of the Public Acts of 1994, being section 803.307 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 7. (1) A youth accepted by the department shall remain a ward of the state until discharged from state wardship with the approval of any of the following and, if placed in an institution, shall remain until released with the approval of any of the following:

(a) If the youth was committed to the department under section 18(1)(e) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws, for an offense that, if committed by an adult, would be punishable by imprisonment for more than 1 year or an offense expressly designated by law to be a felony, with the approval of the juvenile division of the probate court.

(b) If the youth was committed to the department under section 18(1)(e) of chapter XIIA of Act No. 288 of the Public Acts of 1939 and the youth was adjudicated as being in the court's jurisdiction under section 2(a) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws, with the approval of the juvenile division of the probate court. This subdivision takes effect June 1, 1991 and applies to a youth in the custody of the department on or after that date regardless of when the youth was committed to the department.

(c) If the youth was committed to the department under section 1 of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.1 of the Michigan Compiled Laws, with the approval of the court of general criminal jurisdiction under section 1b of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.1b of the Michigan Compiled Laws.

(2) Except as otherwise provided in this section, a youth accepted as a state ward shall be automatically discharged from state wardship upon reaching the age of 19. Except as provided in subsection (3), a youth committed to the department under section 18(1)(e) of chapter XIIA of Act No. 288 of the Public Acts of 1939 for an offense that, if committed by an adult, would be a violation or attempted violation of section 72, 83, 84, 86, 88, 89, 91, 110a(2), 186a, 316, 317, 349, 520b, 520c, 520d, 520g, 529, 529a, 530, or 531 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.72, 750.83, 750.84, 750.86, 750.88, 750.89, 750.91, 750.110a, 750.186a, 750.316, 750.317, 750.349, 750.520b,

750.520c, 750.520d, 750.520g, 750.529, 750.529a, 750.530, and 750.531 of the Michigan Compiled Laws, or section 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 and 333.7403 of the Michigan Compiled Laws, shall be automatically discharged from state wardship upon reaching the age of 21. Except as provided in subsection (4), a youth committed to the department under section 1 of chapter IX of Act No. 175 of the Public Acts of 1927 shall be automatically discharged from state wardship upon reaching the age of 21.

(3) If the juvenile division of the probate court imposes a delayed sentence on the youth under section 18(1)(n) of chapter XIIA of Act No. 288 of the Public Acts of 1939, the youth shall be discharged from state wardship and committed under the court's order.

(4) If a court of general criminal jurisdiction sentences the youth to a sentence provided by law for an adult offender under section 1b of chapter IX of Act No. 175 of the Public Acts of 1927, the youth shall be discharged from state wardship and committed under the court's order.

Section 2. This amendatory act applies to offenses committed on or after its effective date.

Section 3. This amendatory act shall take effect January 1, 1997.

Section 4. This amendatory act shall not take effect unless all of following bills of the 88th Legislature are enacted into law:

- (a) Senate Bill No. 281.
- (b) Senate Bill No. 283.
- (c) Senate Bill No. 682.
- (d) Senate Bill No. 689.
- (e) Senate Bill No. 699.
- (f) Senate Bill No. 700.
- (g) Senate Bill No. 724.
- (h) Senate Bill No. 867.
- (i) Senate Bill No. 870.
- (j) House Bill No. 4037.
- (k) House Bill No. 4038.
- (l) House Bill No. 4044.
- (m) House Bill No. 4445.
- (n) House Bill No. 4486.
- (o) House Bill No. 4487.
- (p) House Bill No. 4490.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved _____

Governor.