

# SENATE BILL No. 901

December 1, 1999, Introduced by Senator PETERS and referred to the Committee on Families, Mental Health and Human Services.

A bill to create the Michigan youth authority in the family independence agency and to prescribe its powers and duties; to prescribe certain duties of certain other state departments, officers, and agencies; to provide for the establishment of local community youth authorities; to provide for the promulgation of rules; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

SENATE BILL No. 901

1       Sec. 1. This act shall be known and may be cited as the  
2 "Michigan youth authority act".

3       Sec. 2. As used in this act:

4       (a) "Authority" means the Michigan youth authority created  
5 in section 3.

6       (b) "Board" means the Michigan youth authority board created  
7 in section 3.

1 (c) "Community youth authority" means a local governmental  
2 or nonprofit entity established under section 5 or 6.

3 (d) "Department" means the family independence agency.

4 (e) "Enabling resolution" means a resolution of the govern-  
5 ing body of a city or county by which the city or county elects  
6 to participate in the establishment of a community youth  
7 authority.

8 (f) "Juvenile" means an individual under the age of 21 years  
9 who is either of the following:

10 (i) Under the jurisdiction of the family division of circuit  
11 court as provided in section 2(a) or (d) of chapter XIIIA of the  
12 probate code of 1939, 1939 PA 288, MCL 712A.2.

13 (ii) Under the jurisdiction of a court of general criminal  
14 jurisdiction as provided in section 4 of chapter XIIIA of the pro-  
15 bate code of 1939, 1939 PA 288, MCL 712A.4, or section 606 of the  
16 revised judicature act of 1961, 1961 PA 236, MCL 600.606.

17 Sec. 3. (1) The Michigan youth authority is created as an  
18 autonomous entity in the department. The authority shall exer-  
19 cise its statutory powers, duties, and functions, including the  
20 functions of budgeting, procurement, and rule promulgation, inde-  
21 pendently of the director of the department.

22 (2) The powers of the authority are vested in a board of  
23 directors appointed by the governor with the advice and consent  
24 of the senate. The membership of the board shall consist of all  
25 of the following:

26 (a) A judge of the family division of circuit court, who  
27 shall serve as a nonvoting, ex officio member.

1 (b) A county sheriff.

2 (c) A chief of a municipal police department.

3 (d) The director of the department's division of child pro-  
4 tective services.

5 (e) A member of a private agency that treats juveniles.

6 (f) A teacher in the public educational system.

7 (g) A prosecuting attorney.

8 (h) Three members of the general public.

9 (3) Members of the board shall serve for terms of 4 years  
10 each, except that of the members first appointed, 2 shall serve  
11 for terms of 4 years each, 4 shall serve for terms of 3 years  
12 each, and 4 shall serve for terms of 2 years each. A vacancy in  
13 the board shall be filled in the same manner as the original  
14 appointment.

15 (4) Members of the board shall serve without compensation,  
16 but shall be reimbursed by the department for actual and neces-  
17 sary expenses incurred in attending meetings.

18 (5) The governor shall appoint a chairperson annually from  
19 among the members of the board.

20 (6) The board shall appoint an executive director, who shall  
21 serve at the pleasure of the board and shall carry out the duties  
22 of the authority subject to policies established by the board.

23 Sec. 4. The authority shall do all of the following:

24 (a) Establish and operate, either directly or by contract,  
25 all of the following:

26 (i) Secure facilities for the incarceration or detention of  
27 juveniles.

1       (ii) Schools, including charter schools, that specialize in  
2 the education of juveniles or students who have been expelled  
3 from public or private schools because of their behavior.

4       (iii) Juvenile work and learn camps or boot camps estab-  
5 lished under the juvenile boot camp act, 1996 PA 263, MCL  
6 400.1301 to 400.1309.

7       (iv) Training schools.

8       (v) Service programs in which juveniles are assigned to par-  
9 ticular tasks.

10       (vi) Other rehabilitative, treatment, or counseling programs  
11 for juveniles.

12       (b) Assume responsibility for all juveniles committed to the  
13 authority or to the department under the youth rehabilitation  
14 services act, 1974 PA 150, MCL 803.301 to 803.309.

15       (c) Promulgate rules under the administrative procedures act  
16 of 1969, 1969 PA 306, MCL 24.201 to 24.328, pertaining to all of  
17 the following:

18       (i) Operation of the facilities and programs under its  
19 control.

20       (ii) Establishment of community youth authorities.

21       (iii) Specifications for funding proposals to be submitted  
22 by community youth authorities.

23       (iv) Criteria for funding juvenile prevention and diversion  
24 programs.

25       (v) Any other rules necessary or desirable to carry out the  
26 statutory duties of the authority.

1 (d) Provide funding for community youth authorities in  
2 accordance with rules promulgated under subdivision (c) and  
3 subject to legislative appropriations for that purpose.

4 Sec. 5. (1) A county, a city, or a combination of counties,  
5 cities, or counties and cities may elect to establish a community  
6 youth authority for the development of juvenile delinquency pre-  
7 vention programs and diversion programs for juveniles and other  
8 youths. The election shall be exercised by an enabling resolu-  
9 tion of the governing body of each participating county or city.  
10 This section does not apply to a county that is a county juvenile  
11 agency as defined in section 2 of the county juvenile agency act,  
12 1998 PA 518, MCL 45.622, or a city located in a county that is a  
13 county juvenile agency.

14 (2) Upon establishing a community youth authority under this  
15 section, the participating governmental entities shall appoint a  
16 community youth authority board. If more than 1 governmental  
17 entity is establishing the community youth authority, the  
18 appointments shall be distributed among the participating govern-  
19 mental entities according to an agreement by all participating  
20 entities, which agreement shall be set forth in the enabling res-  
21 olution of each participating entity.

22 (3) The community youth authority board shall be composed of  
23 the following members appointed in accordance with the agreement  
24 between the participating governmental entities:

25 (a) A judge of the family division of circuit court, who  
26 shall serve as a nonvoting, ex officio member.

1 (b) A county sheriff or his or her designee.

2 (c) A chief of a municipal police department or his or her  
3 designee.

4 (d) A prosecuting attorney.

5 (e) A member of a city council or county board of  
6 commissioners.

7 (f) An attorney who routinely handles juvenile matters.

8 (g) Two members of the public.

9 (4) Members of the community youth authority board shall  
10 serve for terms as determined by agreement of the participating  
11 governmental entities. A vacancy shall be filled in the same  
12 manner as the original appointment.

13 Sec. 6. In a jurisdiction in which no governmental entity  
14 or combination of governmental agencies eligible under section 5  
15 has elected to form a community youth authority, a nonprofit  
16 organization engaged in the treatment, training, or rehabilita-  
17 tion of juveniles may apply to the authority to become a commu-  
18 nity youth authority for that jurisdiction and receive funding  
19 for the development of juvenile delinquency prevention and diver-  
20 sion programs. The authority shall evaluate the application and  
21 make its decision regarding the designation of the applicant as a  
22 community youth authority based on rules promulgated under sec-  
23 tion 4.

24 Sec. 7. Community youth authorities shall submit proposals  
25 to the authority in accordance with rules promulgated under sec-  
26 tion 4 in order to receive funding for programs described in  
27 section 5(1).

1       Sec. 8. In accordance with rules promulgated under section  
2 4, the authority shall authorize payments from funds appropriated  
3 for that purpose to community youth authorities for prevention  
4 and diversion programs described in section 5(1).

5       Enacting section 1. 1963 PA 214, MCL 720.651 to 720.660, is  
6 repealed.

7       Enacting section 2. This act does not take effect unless  
8 all of the following bills of the 90th Legislature are enacted  
9 into law:

10       (a) Senate Bill No. 902

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12       (b) Senate Bill No. 903

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14       (c) Senate Bill No. 904

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16       (d) Senate Bill No. 905

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