

Legislative Analysis



SET ASIDE OF JUVENILE OFFENSE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4768 as introduced
Sponsor: Rep. John Bizon, M.D.

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

Senate Bill 471 as passed the Senate
Sponsor: Sen. John Proos

House Committee: Judiciary
Senate Committee: Judiciary (SB 471)

Complete to 10-9-17

SUMMARY:

The bills, which are identical, would amend Chapter XIIA of the Probate Code, known as the Juvenile Code, to require a court to deem a person applying to have a juvenile adjudication set aside as warranting the set aside if he or she had successfully completed the Michigan Youth ChalleNGe Academy.

Unlike adults or juveniles tried as adults in adult court, who are *convicted* when found guilty of a criminal offense, young people tried as juveniles in the Family Division of Circuit Court are found *responsible*, and the process is referred to as an *adjudication*.

Currently, a court has discretion to set aside (expunge) certain juvenile adjudications if the person files an application with the court and otherwise meets the requirements for a set-aside. A person may apply to set aside 1 adjudication for a juvenile offense that would be a felony if committed by an adult and not more than 2 offenses that would be misdemeanors if committed by an adult. If there were no felony adjudication, the person could apply to set aside not more than 3 adjudications for an offense that would be a misdemeanor if committed by an adult. If the court determines that the circumstances and behavior of the applicant from the date of the applicant's adjudication to the filing of the application warrant setting aside the adjudication and the set aside is consistent with the public welfare, the court may enter an order setting aside the adjudication.

House Bill 4768 and Senate Bill 471 would require, under the provision described above, that if the applicant submits a certificate of completion from the Michigan Youth ChalleNGe Academy, the court to determine that the applicant's circumstances and behavior warrant setting aside the adjudication.

The bill would take effect 90 days after enactment.

MCL 712A.18e

BACKGROUND INFORMATION:

The Michigan Youth ChalleNGe Academy is a 17.5 month program that affords eligible youths ages 16 to 18 who have dropped out or are at risk of dropping out of high school an opportunity to complete a GED, earn a semester of high school credits, or earn college credits; learn self-discipline; receive computer training; undergo physical training; and develop life-coping skills. Participants spend the first phase of the program living in barracks at Fort Custer near Battle Creek and the Post-Residential phase in their communities under the oversight of a mentor.

According to the Academy's website, it is funded by the U.S. Department of Defense and the state of Michigan and administered by the Michigan National Guard. There is no cost to participate in the program.

FISCAL IMPACT:

Neither bill would have a fiscal impact on the state or on 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.