



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4768 (Substitute H-1 as passed by the House)
Sponsor: Representative John Bizon, M.D.
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 11-20-17

CONTENT

The bill would amend the juvenile code to allow a court to enter an order setting aside an adjudication upon a juvenile's completion of the Michigan Youth Challenge Academy program, if the court determined that the applicant's circumstances and behavior warranted setting aside the adjudication, and that setting aside the adjudication was consistent with the public welfare.

Generally, the code specifies that a person who has been adjudicated of not more than one juvenile offense that would be a felony if committed by an adult and not more than three juvenile offenses, of which not more than one may be a juvenile offense that would be a felony if committed by an adult, and who has no felony convictions may file an application with the adjudicating court for the entry of an order setting aside an adjudication.

Except as otherwise provided, 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 (or adjudications) and that setting aside the adjudication (or adjudications) is consistent with the public welfare, the court may enter an order setting aside the adjudication. Under the bill, if the applicant submitted to the court a certificate of completion from the Michigan Youth Challenge Academy showing that he or she had completed that program, the court would have to determine that the applicant's circumstances and behavior warranted setting aside the adjudication. If the court also determined that setting aside the adjudication was consistent with the public welfare, the court could enter an order setting aside the adjudication.

The bill would take effect 90 days after its enactment.

MCL 712A.18e

BACKGROUND

The Michigan Youth Challenge Academy (MYCA) is operated by the National Guard under an agreement with the Department of Veterans and Military Affairs. The MYCA program includes a 22-week residential phase, during which participants ("cadets") receive quasi-military training and education. Classroom instruction is provided by the Marshall Public Schools and includes preparation for the General Education Diploma (GED). Cadets also receive vocational/technical training and participate in community and conservation activities. After completing the residential phase, cadets graduate and then undergo a 12-month mentoring phase in their own community.

According to the MYCA website, the program is available to 16- through 18-year-olds who are high school dropouts or potential dropouts, who are not currently on parole or probation for anything other than juvenile status offenses (offenses that would not be crimes if committed by an adult, such as truancy), and who are voluntary participants. Candidates cannot be court-ordered into the program. All court cases must be closed and candidates must not have been convicted of a felony.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

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

Fiscal Analyst: Ryan Bergan

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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.