

# HOUSE BILL No. 4969

September 14, 2017, Introduced by Reps. Brann and Kosowski and referred to the Committee on Law and Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27a of chapter IV (MCL 764.27a), as amended by 1996 PA 254.

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

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CHAPTER IV

Sec. 27a. (1) A juvenile ~~, other than a juvenile confined under subsection (3),~~ shall not be confined in a police station, prison, jail, lock-up, or reformatory, or be transported with, or compelled or permitted to associate or mingle with, criminal persons while awaiting trial.

~~—— (2) A juvenile, other than a juvenile confined under subsection (3), whose habits or conduct are considered to be a menace to other children, or who may not otherwise be safely~~

1 ~~detained, may be ordered by a court to be placed in a jail or other~~  
2 ~~place of detention for adults, but in a room or ward out of sight~~  
3 ~~and sound from adults.~~

4 ~~—— (3) A juvenile or individual less than 17 years of age who is~~  
5 ~~under the jurisdiction of the circuit court or recorder's court of~~  
6 ~~the city of Detroit for committing a felony may be confined in the~~  
7 ~~county jail pending trial. An individual less than 17 years of age~~  
8 ~~who is under the jurisdiction of the probate court for committing a~~  
9 ~~felony may be held in the county jail pending trial if the case is~~  
10 ~~designated by the court under section 2d of chapter XIIIA of Act No.~~  
11 ~~288 of the Public Acts of 1939, being section 712A.2d of the~~  
12 ~~Michigan Compiled Laws, as a case in which the individual is to be~~  
13 ~~tried in the same manner as an adult and the court has determined~~  
14 ~~that there is probable cause to believe that the felony was~~  
15 ~~committed and that there is probable cause to believe the~~  
16 ~~individual committed that felony. If a juvenile or individual less~~  
17 ~~than 17 years of age is confined in the county jail under this~~  
18 ~~subsection, the juvenile or individual less than 17 years of age~~  
19 ~~shall be held physically separate from adult prisoners. A juvenile~~  
20 ~~or individual less than 17 years of age shall not be confined in~~  
21 ~~the county jail under this subsection without the prior approval of~~  
22 ~~the county sheriff. As used in this subsection, "felony" means a~~  
23 ~~crime that is designated by law as a felony or that is punishable~~  
24 ~~by imprisonment for more than 1 year.~~

25 ~~(2) (4)~~ The court, upon motion of a juvenile or individual  
26 less than ~~17~~**18** years of age who is subject to confinement ~~under~~  
27 ~~subsection (3)~~ may, for good cause shown, order the juvenile or

1 individual less than ~~17~~**18** years of age to be confined as otherwise  
2 provided by law.

3       **(3)** ~~(5)~~—If a person is convicted of a crime within this state  
4 and has served time in a juvenile facility before sentencing  
5 because of being denied or being unable to furnish bond for the  
6 offense of which he or she is convicted, the trial court in  
7 imposing sentence shall specifically grant credit against the  
8 sentence for time served in a juvenile facility before sentencing.

9       Enacting section 1. This amendatory act takes effect October  
10 1, 2018.