

**SUBSTITUTE FOR
SENATE BILL NO. 91**

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:

1 CHAPTER IV

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

7 (2) A juvenile, other than a juvenile confined under
8 subsection (3), whose habits or conduct are considered to be a



1 menace to other children, or who may not otherwise be safely
 2 detained, may be ordered by a court to be placed in a jail or other
 3 place of detention for adults, but in a room or ward out of sight
 4 and sound from adults.

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

27 (4) The court, upon motion of a juvenile or individual less
 28 than ~~17-18~~ years of age who is subject to confinement under
 29 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 (5) If a person is convicted of a crime within this state and
4 has served time in a juvenile facility before sentencing because of
5 being denied or being unable to furnish bond for the offense of
6 which he or she is convicted, the trial court in imposing sentence
7 shall specifically grant credit against the sentence for time
8 served in a juvenile facility before sentencing.

9 Enacting section 1. This amendatory act takes effect October
10 1, 2021.

