

# SENATE BILL NO. 428

June 28, 2023, Introduced by Senators CHANG, SANTANA, IRWIN, BAYER, SHINK, WOJNO and GEISS and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2f, 18, 28, and 29 (MCL 712A.2f, 712A.18, 712A.28, and 712A.29), section 2f as added by 2016 PA 185, section 18 as amended by 2022 PA 209, section 28 as amended by 2020 PA 362, and section 29 as amended by 2003 PA 74, and by adding section 29a to chapter XIIA; and to repeal acts and parts of acts.

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

**1** CHAPTER XIIA

**2** Sec. 2f. (1) If the court determines that formal jurisdiction  
**3** should not be acquired over a juvenile, the court may proceed in an

1 informal manner referred to as a consent calendar.

2 (2) A case ~~shall~~**must** not be placed on the consent calendar  
3 unless the juvenile and the parent, guardian, or legal custodian  
4 and the prosecutor agree to have the case placed on the consent  
5 calendar.

6 (3) The court may transfer a case from the formal calendar to  
7 the consent calendar at any time before disposition. A case  
8 involving the alleged commission of an offense as that term is  
9 defined in section 31 of the William Van Regenmorter crime victim's  
10 rights act, 1985 PA 87, MCL 780.781, ~~shall~~**must** only be placed on  
11 the consent calendar upon compliance with the procedures set forth  
12 in section 36b of the William Van Regenmorter crime victim's rights  
13 act, 1985 PA 87, MCL 780.786b.

14 (4) After a case is placed on the consent calendar, the  
15 prosecutor shall provide the victim with notice as required by  
16 article 2 of the William Van Regenmorter crime victim's rights act,  
17 1985 PA 87, MCL 780.781 to 780.802.

18 (5) Consent calendar cases must be maintained in the following  
19 nonpublic manner:

20 (a) Access to consent calendar case records ~~shall~~**must** be  
21 provided to the juvenile, the juvenile's parents, guardian, or  
22 legal custodian, the guardian ad litem, counsel for the juvenile,  
23 the department of health and human services if related to an  
24 investigation of neglect and abuse, law enforcement personnel,  
25 prosecutor, and other courts. However, consent calendar case  
26 records ~~shall~~**must** not be disclosed to federal agencies or military  
27 recruiters. ~~For purposes of this subsection,~~ **As used in this**  
28 **subdivision,** "case records" includes the pleadings, motions,  
29 authorized petitions, notices, memoranda, briefs, exhibits,

1 available transcripts, findings of the court, register of actions,  
2 consent calendar case plan, and court orders related to the case  
3 placed on the consent calendar.

4 (b) The contents of the confidential file ~~, as defined in MCR~~  
5 ~~3.903, shall must~~ continue to be maintained confidentially. **As used**  
6 **in this subdivision, "confidential file" means that term as defined**  
7 **in MCR 3.903.**

8 (6) The court shall conduct a consent calendar conference with  
9 the juvenile, the juvenile's attorney, if any, and the juvenile's  
10 parent, guardian, or legal custodian to discuss the allegations.  
11 The prosecuting attorney and victim may be, but are not required to  
12 be, present.

13 (7) If it appears to the court that the juvenile has engaged  
14 in conduct that would subject the juvenile to the jurisdiction of  
15 the court, the court shall issue a written consent calendar case  
16 plan. All of the following apply to a consent calendar case plan:

17 (a) ~~The plan may include a provision requiring the juvenile,~~  
18 ~~parent, guardian, or legal custodian to reimburse the court for the~~  
19 ~~cost of the consent calendar services for the juvenile. The~~  
20 ~~reimbursement amount shall be reasonable, taking into account the~~  
21 ~~juvenile's income and resources. The plan shall also must~~ include a  
22 requirement that the juvenile pay restitution under the William Van  
23 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to  
24 780.834. **The court shall not order the juvenile or the juvenile's**  
25 **parent, guardian, or legal custodian to pay for fees or costs**  
26 **associated with consent calendar services.**

27 (b) A consent calendar case plan ~~shall must~~ not contain a  
28 provision removing the juvenile from the custody of the juvenile's  
29 parent, guardian, or legal custodian.

1 (c) The consent calendar case plan is not an order of the  
2 court, but ~~shall~~**must** be included as a part of the case record.

3 (d) Violation of the terms of the consent calendar case plan  
4 may result in the court's returning the case to the formal calendar  
5 for further proceedings consistent with subsection (10).

6 (8) The court shall not enter an order of disposition in a  
7 case while it is on the consent calendar.

8 (9) Upon successful completion by the juvenile of the consent  
9 calendar case plan, the court shall close the case and shall  
10 destroy all records of the proceeding in accordance with the  
11 records management policies and procedures of the state court  
12 administrative office, established in accordance with supreme court  
13 rules.

14 (10) If it appears to the court at any time that proceeding on  
15 the consent calendar is not in the best interest of either the  
16 juvenile or the public, the court shall proceed as follows:

17 (a) If the court did not authorize the original petition, the  
18 court may, without hearing, transfer the case from the consent  
19 calendar to the formal calendar on the charges contained in the  
20 original petition to determine whether the petition should be  
21 authorized.

22 (b) If the court authorized the original petition, the court  
23 may transfer the case from the consent calendar to the formal  
24 calendar on the charges contained in the original petition only  
25 after a hearing. After transfer to the formal calendar, the court  
26 shall proceed with the case from where it left off before being  
27 placed on the consent calendar.

28 (11) Statements made by the juvenile during the proceeding on  
29 the consent calendar ~~shall~~**must** not be used against the juvenile at

1 a trial on the formal calendar on the same charge.

2 (12) Upon a judicial determination that the juvenile has  
 3 completed the terms of the consent calendar case plan, the court  
 4 shall report the successful completion of the consent calendar to  
 5 the juvenile and the department of state police. The department of  
 6 state police shall maintain a nonpublic record of the case. This  
 7 record ~~shall be~~**is** open to the courts of this state, another state,  
 8 or the United States, the department of corrections, law  
 9 enforcement personnel, and prosecutors ~~only~~ for use **only** in the  
 10 performance of their duties or to determine whether an employee of  
 11 the court, department, law enforcement agency, or prosecutor's  
 12 office has violated ~~his or her~~ conditions of employment or whether  
 13 an applicant meets criteria for employment with the court,  
 14 department, law enforcement agency, or prosecutor's office.

15 Sec. 18. (1) If the court finds that a juvenile concerning  
 16 whom a petition is filed is not within this chapter, the court  
 17 shall enter an order dismissing the petition. Except as otherwise  
 18 provided in subsection ~~(10)~~, **(8)**, if the court finds that a  
 19 juvenile is within this chapter, the court shall order the juvenile  
 20 returned to his or her parent if the return of the juvenile to his  
 21 or her parent would not cause a substantial risk of harm to the  
 22 juvenile or society. The court may also enter any of the following  
 23 orders of disposition that are appropriate for the welfare of the  
 24 juvenile and society in view of the facts proven and ascertained:

25 (a) Warn the juvenile or the juvenile's parents, guardian, or  
 26 custodian and, except as provided in subsection ~~(7)~~, **(5)**, dismiss  
 27 the petition.

28 (b) Place the juvenile on probation, or under supervision in  
 29 the juvenile's own home or in the home of an adult who is related

1 to the juvenile. As used in this subdivision, "related" means a  
2 relative as that term is defined in section 13a of this chapter.  
3 The court shall order the terms and conditions of probation or  
4 supervision, including reasonable rules for the conduct of the  
5 parents, guardian, or custodian, if any, as the court determines  
6 necessary for the physical, mental, or moral well-being and  
7 behavior of the juvenile. The court may order that the juvenile  
8 participate in a juvenile drug treatment court under chapter 10A of  
9 the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to  
10 600.1088. ~~The court also shall order, as a condition of probation~~  
11 ~~or supervision, that the juvenile shall pay the minimum state cost~~  
12 ~~prescribed by section 18m of this chapter.~~

13 (c) If a juvenile is within the court's jurisdiction under  
14 section 2(a) of this chapter, or under section 2(h) of this chapter  
15 for a supplemental petition, place the juvenile in a suitable  
16 foster care home subject to the court's supervision. If a juvenile  
17 is within the court's jurisdiction under section 2(b) of this  
18 chapter, the court shall not place a juvenile in a foster care home  
19 subject to the court's supervision.

20 (d) Except as otherwise provided in this subdivision, place  
21 the juvenile in or commit the juvenile to a private institution or  
22 agency approved or licensed by the department's division of child  
23 welfare licensing for the care of juveniles of similar age, sex,  
24 and characteristics. If the juvenile is not a ward of the court,  
25 the court shall commit the juvenile to the department or, if the  
26 county is a county juvenile agency, to that county juvenile agency  
27 for placement in or commitment to an institution or agency as the  
28 department or county juvenile agency determines is most  
29 appropriate, subject to any initial level of placement the court

1 designates.

2 (e) Except as otherwise provided in this subdivision, commit  
3 the juvenile to a public institution, county facility, institution  
4 operated as an agency of the court or county, or agency authorized  
5 by law to receive juveniles of similar age, sex, and  
6 characteristics. If the juvenile is not a ward of the court, the  
7 court shall commit the juvenile to the department or, if the county  
8 is a county juvenile agency, to that county juvenile agency for  
9 placement in or commitment to an institution or facility as the  
10 department or county juvenile agency determines is most  
11 appropriate, subject to any initial level of placement the court  
12 designates. In a placement under subdivision (d) or a commitment  
13 under this subdivision, except to a state institution or a county  
14 juvenile agency, the juvenile's religious affiliation must be  
15 protected by placement or commitment to a private child placing or  
16 child caring agency or institution, if available. ~~Except for  
17 commitment to the department or a county juvenile agency, in an  
18 order of commitment under this subdivision to a state institution  
19 or agency described in the youth rehabilitation services act, 1974  
20 PA 150, MCL 803.301 to 803.309, or in 1935 PA 220, MCL 400.201 to  
21 400.214, the court shall name the superintendent of the institution  
22 where the juvenile is committed as a special guardian to receive  
23 benefits due the juvenile from the government of the United States.  
24 An order of commitment under this subdivision to the department or  
25 a county juvenile agency must name that agency as a special  
26 guardian to receive those benefits. The benefits received by the  
27 special guardian must be used to the extent necessary to pay for  
28 the portions of the cost of care in the institution or facility  
29 that the parent or parents are found unable to pay.~~

1 (f) Provide the juvenile with medical, dental, surgical, or  
2 other health care, in a local hospital if available, or elsewhere,  
3 maintaining as much as possible a local physician-patient  
4 relationship, and with clothing and other incidental items the  
5 court determines are necessary.

6 (g) Order the parents, guardian, custodian, or any other  
7 person to refrain from continuing conduct that the court determines  
8 has caused or tended to cause the juvenile to come within or to  
9 remain under this chapter or that obstructs placement or commitment  
10 of the juvenile by an order under this section.

11 (h) Appoint a guardian under section 5204 of the estates and  
12 protected individuals code, 1998 PA 386, MCL 700.5204, in response  
13 to a petition filed with the court by a person interested in the  
14 juvenile's welfare. If the court appoints a guardian as authorized  
15 by this subdivision, it may dismiss the petition under this  
16 chapter.

17 (i) Order the juvenile to engage in community service. **The**  
18 **court shall not order the juvenile or the juvenile's parent,**  
19 **guardian, or legal custodian to pay for fees or costs associated**  
20 **with community service.**

21 ~~(j) If the court finds that a juvenile has violated a~~  
22 ~~municipal ordinance or a state or federal law, order the juvenile~~  
23 ~~to pay a civil fine in the amount of the civil or penal fine~~  
24 ~~provided by the ordinance or law. Money collected from fines levied~~  
25 ~~under this subsection must be distributed as provided in section 29~~  
26 ~~of this chapter.~~ **The court shall not order the juvenile or the**  
27 **juvenile's parent, guardian, or legal custodian to pay fines**  
28 **associated with a violation of a municipal ordinance or a state or**  
29 **federal law if another disposition under this section has been**



1 **ordered.**

2 (k) If the court finds that the juvenile has violated a court  
3 order under section 2(a)(2) to (4) of this chapter, order the  
4 juvenile to be placed in a secure facility. A court order under  
5 this subdivision must state all of the following:

6 (i) The court order the juvenile violated.

7 (ii) The factual basis for determining that there was  
8 reasonable cause to believe that the juvenile violated the court  
9 order.

10 (iii) The court's finding of fact to support a determination  
11 that there is no appropriate less restrictive alternative placement  
12 available considering the best interests of the juvenile.

13 (iv) The length of time, not to exceed 7 days, that the  
14 juvenile may remain in the secure facility and the plan for the  
15 juvenile's release from the facility.

16 (v) That the order may not be renewed or extended.

17 (l) For a second or subsequent violation of a court order under  
18 section 2(a)(2) to (4) of this chapter, issue a second or  
19 subsequent order under subdivision (k), but only if the court finds  
20 both of the following:

21 (i) The juvenile violated a court order after the date that the  
22 court issued the first order under subdivision (k).

23 (ii) The court has procedures in place to ensure that a  
24 juvenile held in a secure facility by a court order is not in  
25 custody more than 7 days or the length of time authorized by the  
26 court, whichever is shorter.

27 (m) If a juvenile is within the court's jurisdiction under  
28 section 2(a)(1) of this chapter, order the juvenile's parent or  
29 guardian to personally participate in treatment reasonably

1 available in the parent's or guardian's location.

2 (n) If a juvenile is within the court's jurisdiction under  
3 section 2(a)(1) of this chapter, place the juvenile in and order  
4 the juvenile to complete satisfactorily a program of training in a  
5 juvenile boot camp established by the department under the juvenile  
6 boot camp act, 1996 PA 263, MCL 400.1301 to 400.1309, as provided  
7 in that act. If the county is a county juvenile agency, the court  
8 shall commit the juvenile to that county juvenile agency for  
9 placement in the program under that act. Upon receiving a report of  
10 satisfactory completion of the program from the department, the  
11 court shall authorize the juvenile's release from placement in the  
12 juvenile boot camp. Following satisfactory completion of the  
13 juvenile boot camp program, the juvenile shall complete an  
14 additional period of not less than 120 days or more than 180 days  
15 of intensive supervised community reintegration in the juvenile's  
16 local community. To place or commit a juvenile under this  
17 subdivision, the court shall determine all of the following:

18 (i) Placement in a juvenile boot camp will benefit the  
19 juvenile.

20 (ii) The juvenile is physically able to participate in the  
21 program.

22 (iii) The juvenile does not appear to have any mental handicap  
23 that would prevent participation in the program.

24 (iv) The juvenile will not be a danger to other juveniles in  
25 the boot camp.

26 (v) There is an opening in a juvenile boot camp program.

27 (vi) If the court must commit the juvenile to a county juvenile  
28 agency, the county juvenile agency is able to place the juvenile in  
29 a juvenile boot camp program.

1 (o) If the court entered a judgment of conviction under  
2 section 2d of this chapter, enter any disposition under this  
3 section or, if the court determines that the best interests of the  
4 public would be served, impose any sentence upon the juvenile that  
5 could be imposed upon an adult convicted of the offense for which  
6 the juvenile was convicted. If the juvenile is convicted of a  
7 violation or conspiracy to commit a violation of section  
8 7403(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7403,  
9 the court may impose the alternative sentence permitted under that  
10 section if the court determines that the best interests of the  
11 public would be served. The court may delay imposing a sentence of  
12 imprisonment under this subdivision for a period not longer than  
13 the period during which the court has jurisdiction over the  
14 juvenile under this chapter by entering an order of disposition  
15 delaying imposition of sentence and placing the juvenile on  
16 probation upon the terms and conditions it considers appropriate,  
17 including any disposition under this section. If the court delays  
18 imposing sentence under this section, section 18i of this chapter  
19 applies. If the court imposes sentence, it shall enter a judgment  
20 of sentence. If the court imposes a sentence of imprisonment, the  
21 juvenile shall receive credit against the sentence for time served  
22 before sentencing. In determining whether to enter an order of  
23 disposition or impose a sentence under this subdivision, the court  
24 shall consider all of the following factors, giving greater weight  
25 to the seriousness of the offense and the juvenile's prior record:

26 (i) The seriousness of the offense in terms of community  
27 protection, including, but not limited to, the existence of any  
28 aggravating factors recognized by the sentencing guidelines, the  
29 use of a firearm or other dangerous weapon, and the impact on any

1 victim.

2 (ii) The juvenile's culpability in committing the offense,  
3 including, but not limited to, the level of the juvenile's  
4 participation in planning and carrying out the offense and the  
5 existence of any aggravating or mitigating factors recognized by  
6 the sentencing guidelines.

7 (iii) The juvenile's prior record of delinquency including, but  
8 not limited to, any record of detention, any police record, any  
9 school record, or any other evidence indicating prior delinquent  
10 behavior.

11 (iv) The juvenile's programming history, including, but not  
12 limited to, the juvenile's past willingness to participate  
13 meaningfully in available programming.

14 (v) The adequacy of the punishment or programming available in  
15 the juvenile justice system.

16 (vi) The dispositional options available for the juvenile.

17 (p) In a proceeding under section 2(b) or (c) of this chapter,  
18 if a juvenile is removed from the parent's custody at any time, the  
19 court shall permit the juvenile's parent to have regular and  
20 frequent parenting time with the juvenile. Parenting time between  
21 the juvenile and his or her parent shall not be less than 1 time  
22 every 7 days unless the court determines either that exigent  
23 circumstances require less frequent parenting time or that  
24 parenting time, even if supervised, may be harmful to the  
25 juvenile's life, physical health, or mental well-being. If the  
26 court determines that parenting time, even if supervised, may be  
27 harmful to the juvenile's life, physical health, or mental well-  
28 being, the court may suspend parenting time until the risk of harm  
29 no longer exists. The court may order the juvenile to have a

1 psychological evaluation or counseling, or both, to determine the  
2 appropriateness and the conditions of parenting time.

3 ~~(2) An order of disposition placing a juvenile in or~~  
4 ~~committing a juvenile to care outside of the juvenile's own home~~  
5 ~~and under state, county juvenile agency, or court supervision must~~  
6 ~~contain a provision for reimbursement by the juvenile, parent,~~  
7 ~~guardian, or custodian to the court for the cost of care or~~  
8 ~~service. The order shall be reasonable, taking into account both~~  
9 ~~the income and resources of the juvenile, parent, guardian, or~~  
10 ~~custodian. The amount may be based upon the guidelines and model~~  
11 ~~schedule created under subsection (6). If the juvenile is receiving~~  
12 ~~an adoption assistance under sections 115f to 115m or 115t of the~~  
13 ~~social welfare act, 1939 PA 280, MCL 400.115f to 400.115m and~~  
14 ~~400.115t, the amount must not exceed the amount of the support~~  
15 ~~subsidy. The reimbursement provision applies during the entire~~  
16 ~~period the juvenile remains in care outside of the juvenile's own~~  
17 ~~home and under state, county juvenile agency, or court supervision,~~  
18 ~~unless the juvenile is in the permanent custody of the court. The~~  
19 ~~court shall provide for the collection of all amounts ordered to be~~  
20 ~~reimbursed and the money collected must be accounted for and~~  
21 ~~reported to the county board of commissioners. Collections to cover~~  
22 ~~delinquent accounts or to pay the balance due on reimbursement~~  
23 ~~orders may be made after a juvenile is released or discharged from~~  
24 ~~care outside the juvenile's own home and under state, county~~  
25 ~~juvenile agency, or court supervision. Twenty-five percent of all~~  
26 ~~amounts collected under an order entered under this subsection must~~  
27 ~~be credited to the appropriate fund of the county to offset the~~  
28 ~~administrative cost of collections. The balance of all amounts~~  
29 ~~collected under an order entered under this subsection must be~~

1 ~~divided in the same ratio in which the county, state, and federal~~  
2 ~~government participate in the cost of care outside the juvenile's~~  
3 ~~own home and under state, county juvenile agency, or court~~  
4 ~~supervision. The court may also collect from the government of the~~  
5 ~~United States benefits paid for the cost of care of a court ward.~~  
6 ~~Money collected for juveniles placed by the court with or committed~~  
7 ~~to the department or a county juvenile agency must be accounted for~~  
8 ~~and reported on an individual juvenile basis. In cases of~~  
9 ~~delinquent accounts, the court may also enter an order to intercept~~  
10 ~~state or federal tax refunds of a juvenile, parent, guardian, or~~  
11 ~~custodian and initiate the necessary offset proceedings to recover~~  
12 ~~the cost of care or service. The court shall send to the person who~~  
13 ~~is the subject of the intercept order advance written notice of the~~  
14 ~~proposed offset. The notice must include notice of the opportunity~~  
15 ~~to contest the offset on the grounds that the intercept is not~~  
16 ~~proper because of a mistake of fact concerning the amount of the~~  
17 ~~delinquency or the identity of the person subject to the order. The~~  
18 ~~court shall provide for the prompt reimbursement of an amount~~  
19 ~~withheld in error or an amount found to exceed the delinquent~~  
20 ~~amount.~~

21 (3) ~~An order of disposition placing a juvenile in the~~  
22 ~~juvenile's own home under subsection (1) (b) may contain a provision~~  
23 ~~for reimbursement by the juvenile, parent, guardian, or custodian~~  
24 ~~to the court for the cost of service. If an order is entered under~~  
25 ~~this subsection, an amount due must be determined and treated in~~  
26 ~~the same manner provided for an order entered under subsection~~  
27 ~~(2). The court shall not order a juvenile or a juvenile's parent,~~  
28 ~~guardian, or legal custodian to pay for the costs of care,~~  
29 ~~services, court-appointed attorney representation, or other costs~~

**1 or assessments related to the juvenile's court proceeding.**

2 (4) An order directed to a parent or a person other than the  
3 juvenile is not effective and binding on the parent or other person  
4 unless opportunity for hearing is given by issuance of summons or  
5 notice as provided in sections 12 and 13 of this chapter and until  
6 a copy of the order, bearing the seal of the court, is served on  
7 the parent or other person as provided in section 13 of this  
8 chapter.

9 ~~(5) If the court appoints an attorney to represent a juvenile,~~  
10 ~~parent, guardian, or custodian, the court may require in an order~~  
11 ~~entered under this section that the juvenile, parent, guardian, or~~  
12 ~~custodian reimburse the court for attorney fees.~~

13 ~~(6) The office of the state court administrator, under the~~  
14 ~~supervision and direction of the supreme court, shall create~~  
15 ~~guidelines that the court may use in determining the ability of the~~  
16 ~~juvenile, parent, guardian, or custodian to pay for care and any~~  
17 ~~costs of service ordered under subsection (2) or (3). The~~  
18 ~~guidelines must take into account both the income and resources of~~  
19 ~~the juvenile, parent, guardian, or custodian.~~

20 (5) ~~(7)~~—If the court finds that a juvenile comes under section  
21 30 of this chapter, the court shall order the juvenile or the  
22 juvenile's parent to pay restitution as provided in sections 30 and  
23 31 of this chapter and in sections 44 and 45 of the William Van  
24 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.794 and  
25 780.795.

26 (6) ~~(8)~~—If the court imposes restitution as a condition of  
27 probation, the court shall require the juvenile to do either of the  
28 following as an additional condition of probation:

29 (a) Engage in community service or, with the victim's consent,

1 perform services for the victim.

2 (b) Seek and maintain paid employment and pay restitution to  
3 the victim from the earnings of that employment.

4 (7) ~~(9)~~—If the court finds that the juvenile is in intentional  
5 default of the payment of restitution, a court may, as provided in  
6 section 30 of this chapter, revoke or alter the terms and  
7 conditions of probation for nonpayment of restitution. If a  
8 juvenile who is ordered to engage in community service  
9 intentionally refuses to perform the required community service,  
10 the court may revoke or alter the terms and conditions of  
11 probation. **The juvenile must not be placed outside of his or her**  
12 **home solely based on nonpayment of restitution or refusal to**  
13 **perform community service.**

14 (8) ~~(10)~~—The court shall not enter an order of disposition for  
15 a juvenile offense as defined in section 1a of 1925 PA 289, MCL  
16 28.241a, or a judgment of sentence for a conviction until the court  
17 has examined the court file and has determined that the juvenile's  
18 biometric data have been collected and forwarded as required by  
19 section 3 of 1925 PA 289, MCL 28.243, and the juvenile's  
20 fingerprints have been taken and forwarded as required by the sex  
21 offenders registration act, 1994 PA 295, MCL 28.721 to 28.730. If a  
22 juvenile's biometric data have not been collected or a juvenile has  
23 not had his or her fingerprints taken, the court shall do either of  
24 the following:

25 (a) Order the juvenile to submit himself or herself to the  
26 police agency that arrested or obtained the warrant for the  
27 juvenile's arrest so the juvenile's biometric data can be collected  
28 and forwarded and his or her fingerprints can be taken and  
29 forwarded.



1 (b) Order the juvenile committed to the sheriff's custody for  
2 collecting and forwarding the juvenile's biometric data and taking  
3 and forwarding the juvenile's fingerprints.

4 (9) ~~(11)~~—Upon final disposition, conviction, acquittal, or  
5 dismissal of an offense within the court's jurisdiction under  
6 section 2(a)(1) of this chapter, using forms approved by the state  
7 court administrator, the clerk of the court entering the final  
8 disposition, conviction, acquittal, or dismissal shall immediately  
9 advise the department of state police of that final disposition,  
10 conviction, acquittal, or dismissal as required by section 3 of  
11 1925 PA 289, MCL 28.243. The report to the department of state  
12 police must include information as to the finding of the judge or  
13 jury and a summary of the disposition or sentence imposed.

14 ~~(12) If the court enters an order of disposition based on an~~  
15 ~~act that is a juvenile offense as defined in section 1 of 1989 PA~~  
16 ~~196, MCL 780.901, the court shall order the juvenile to pay the~~  
17 ~~assessment as provided in that act. If the court enters a judgment~~  
18 ~~of conviction under section 2d of this chapter for an offense that~~  
19 ~~is a felony, misdemeanor, or ordinance violation, the court shall~~  
20 ~~order the juvenile to pay the assessment as provided in 1989 PA~~  
21 ~~196, MCL 780.901 to 780.911.~~

22 (10) ~~(13)~~—If the court has entered an order of disposition or  
23 a judgment of conviction for a listed offense as defined in section  
24 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,  
25 the court, the department, or the county juvenile agency shall  
26 register the juvenile or accept the juvenile's registration as  
27 provided in the sex offenders registration act, 1994 PA 295, MCL  
28 28.721 to 28.730.

29 (11) ~~(14)~~—If the court enters an order of disposition placing

1 a juvenile in a juvenile boot camp program, or committing a  
2 juvenile to a county juvenile agency for placement in a juvenile  
3 boot camp program, and the court receives from the department a  
4 report that the juvenile has failed to perform satisfactorily in  
5 the program, that the juvenile does not meet the program's  
6 requirements or is medically unable to participate in the program  
7 for more than 25 days, that there is no opening in a juvenile boot  
8 camp program, or that the county juvenile agency is unable to place  
9 the juvenile in a juvenile boot camp program, the court shall  
10 release the juvenile from placement or commitment and enter an  
11 alternative order of disposition. A juvenile must not be placed in  
12 a juvenile boot camp under an order of disposition more than once,  
13 except that a juvenile returned to the court for a medical  
14 condition, because there was no opening in a juvenile boot camp  
15 program, or because the county juvenile agency was unable to place  
16 the juvenile in a juvenile boot camp program may be placed again in  
17 the juvenile boot camp program after the medical condition is  
18 corrected, an opening becomes available, or the county juvenile  
19 agency is able to place the juvenile.

20 (12) ~~(15)~~—If the juvenile is within the court's jurisdiction  
21 under section 2(a)(1) of this chapter for an offense other than a  
22 listed offense as defined in section 2 of the sex offenders  
23 registration act, 1994 PA 295, MCL 28.722, the court shall  
24 determine if the offense is a violation of a law of this state or a  
25 local ordinance of a municipality of this state that by its nature  
26 constitutes a sexual offense against an individual who is less than  
27 18 years of age. If so, the order of disposition is for a listed  
28 offense as defined in section 2 of the sex offenders registration  
29 act, 1994 PA 295, MCL 28.722, and the court shall include the basis

1 for that determination on the record and include the determination  
2 in the order of disposition.

3       **(13)** ~~(16)~~—The court shall not impose a sentence of  
4 imprisonment in the county jail under subsection (1)(o) unless the  
5 present county jail facility for the juvenile's imprisonment meets  
6 all requirements under federal law and regulations for housing  
7 juveniles. The court shall not impose the sentence until it  
8 consults with the sheriff to determine when the sentence will begin  
9 to ensure that space will be available for the juvenile.

10       **(14)** ~~(17)~~—In a proceeding under section 2(h) of this chapter,  
11 this section only applies to a disposition for a violation of a  
12 personal protection order and subsequent proceedings.

13       ~~(18) If a juvenile is within the court's jurisdiction under~~  
14 ~~section 2(a)(1) of this chapter, the court shall order the juvenile~~  
15 ~~to pay costs as provided in section 18m of this chapter.~~

16       ~~(19) A juvenile who has been ordered to pay the minimum state~~  
17 ~~cost as provided in section 18m of this chapter as a condition of~~  
18 ~~probation or supervision and who is not in willful default of the~~  
19 ~~payment of the minimum state cost may petition the court at any~~  
20 ~~time for a remission of the payment of any unpaid portion of the~~  
21 ~~minimum state cost. If the court determines that payment of the~~  
22 ~~amount due will impose a manifest hardship on the juvenile or his~~  
23 ~~or her immediate family, the court may remit all or part of the~~  
24 ~~amount of the minimum state cost due or modify the method of~~  
25 ~~payment.~~

26       Sec. 28. (1) Before June 1, 1988, the court shall maintain  
27 records of all cases brought before it and as provided in the  
28 juvenile diversion act. The records are open only by court order to  
29 persons having a legitimate interest, except that diversion records

1 are open only as provided in the juvenile diversion act.

2 (2) Beginning June 1, 1988, the court shall maintain records  
3 of all cases brought before it and as provided in the juvenile  
4 diversion act. Except as otherwise provided in this subsection,  
5 until December 31, 2020, records of a case brought before the court  
6 are open to the general public. Diversion records are open only as  
7 provided in the juvenile diversion act. Except as otherwise  
8 provided in section 49 of the William Van Regenmorter crime  
9 victim's rights act, 1985 PA 87, MCL 780.799, if the hearing of a  
10 case brought before the court is closed under section 17 of this  
11 chapter, the records of that hearing are open only by court order  
12 to persons having a legitimate interest.

13 (3) Beginning January 1, 2021, except as otherwise provided,  
14 records of a case brought before the court are not open to the  
15 general public and are open only to persons having a legitimate  
16 interest. Diversion records are open only as provided in the  
17 juvenile diversion act. Except as otherwise provided in section 49  
18 of the William Van Regenmorter crime victim's rights act, 1985 PA  
19 87, MCL 780.799, if the hearing of a case brought before the court  
20 is closed under section 17 of this chapter, the records of that  
21 hearing are open only by court order to persons having a legitimate  
22 interest.

23 ~~(4) If the court issues an order in respect to payments by a~~  
24 ~~parent under section 18(2) of this chapter, a copy must be mailed~~  
25 ~~to the department of treasury. Action taken against parents or~~  
26 adults must not be released for publicity unless the parents or  
27 adults are found guilty of contempt of court. The court shall  
28 furnish the department and a county juvenile agency with reports of  
29 the administration of the court in a form recommended by the

1 Michigan Probate Judges Association. Copies of these reports must,  
2 upon request, be made available to other state departments by the  
3 department.

4 (5) As used in this section:

5 (a) "Child placing agency" means that term as defined in  
6 section 1 of 1973 PA 116, MCL 722.111.

7 (b) "Indian child" and "Indian child's tribe" mean those terms  
8 as defined in section 3 of the Michigan Indian family preservation  
9 act, chapter XIIB of the probate code of 1939, 1939 PA 288, MCL  
10 712B.3.

11 (c) "Juvenile diversion act" means the juvenile diversion act,  
12 1988 PA 13, MCL 722.821 to 722.831.

13 (d) "Persons having a legitimate interest" includes, but is  
14 not limited to, the juvenile, the juvenile's parent, the juvenile's  
15 guardian or legal custodian, the juvenile's guardian ad litem,  
16 counsel for the juvenile, the department or a licensed child caring  
17 institution or child placing agency under contract with the  
18 department to provide for the juvenile's care and supervision if  
19 related to an investigation of child neglect or child abuse, law  
20 enforcement personnel, a prosecutor, a member of a local foster  
21 care review board established under 1984 PA 422, MCL 722.131 to  
22 722.139a, the Indian child's tribe if the juvenile is an Indian  
23 child, and a court of this state.

24 Sec. 29. (1) If a child is subject to ~~any combination of~~  
25 ~~finer, costs, restitution, assessments, or payments arising out of~~  
26 the same order of disposition, money collected from that child, or  
27 his or her parent or parents, for the payment of ~~finer, costs,~~  
28 ~~restitution, assessments, or other payments shall~~ **must** be  
29 allocated as provided in this section.

1           ~~(2) Except as otherwise provided in this subsection, if~~ **If** a  
 2 child is subject to payment of victim payments ~~and any combination~~  
 3 ~~of other fines, costs, assessments, or other payments, 50%–100%~~ of  
 4 the money collected from that child, or his or her parent or  
 5 parents, ~~shall~~ **must first** be applied to payment of victim payments.  
 6 ~~, and the balance shall be applied to payment of fines, costs, and~~  
 7 ~~other assessments or payments. If fines, costs, or other~~  
 8 ~~assessments or payments remain unpaid after all victim payments~~  
 9 ~~have been paid, additional money collected shall be applied to~~  
 10 ~~payment of those fines, costs, or other assessments or payments. If~~  
 11 ~~victim payments remain unpaid after all fines, costs, or other~~  
 12 ~~assessments or payments have been paid, additional money collected~~  
 13 ~~shall be applied toward payment of those victim payments.~~

14           ~~(3) In cases involving orders of disposition for offenses that~~  
 15 ~~would be violations of state law if committed by an adult, money~~  
 16 ~~allocated under subsection (2) for payment of fines, costs, and~~  
 17 ~~assessments or payments other than victim payments shall be applied~~  
 18 ~~in the following order of priority:~~

19           ~~(a) Payment of the minimum state cost prescribed in section 1j~~  
 20 ~~of chapter IX of the code of criminal procedure, 1927 PA 175, MCL~~  
 21 ~~769.1j.~~

22           ~~(b) Payment of other costs.~~

23           ~~(c) Payment of fines.~~

24           ~~(d) Payment of assessments and other payments.~~

25           ~~(4) In cases involving orders of disposition for offenses that~~  
 26 ~~would be violations of local ordinances if committed by an adult,~~  
 27 ~~money allocated under subsection (2) for payment of fines, costs,~~  
 28 ~~and assessments or payments other than victim payments shall be~~  
 29 ~~applied in the following order of priority:~~

1 ~~(a) Payment of the minimum state cost prescribed in section 1j~~  
 2 ~~of chapter IX of the code of criminal procedure, 1927 PA 175, MCL~~  
 3 ~~769.1j.~~

4 ~~(b) Payment of fines and other costs.~~

5 ~~(c) Payment of assessments and other payments.~~

6 ~~(5) Money allocated for payment of costs under subsection (3)~~  
 7 ~~shall be paid to the county treasurer for deposit in the general~~  
 8 ~~fund of the county. Money allocated for payment of fines under~~  
 9 ~~subsection (3) shall be paid to the county treasurer to be used for~~  
 10 ~~library purposes as provided by law.~~

11 ~~(6) One-third of the money allocated for payment of fines and~~  
 12 ~~costs under subsection (4) shall be paid to the treasurer of the~~  
 13 ~~political subdivision whose ordinance was violated, and 2/3 of that~~  
 14 ~~money shall be paid to the county treasurer for deposit in the~~  
 15 ~~general fund of the county.~~

16 ~~(3) (7)~~As used in this section, "victim payment" means  
 17 restitution ordered under sections 30 and 31 **of this chapter** and  
 18 under the **William Van Regenmorter** crime victim's rights act, 1985  
 19 PA 87, MCL 780.751 to 780.834, paid to the victim or the victim's  
 20 estate, but not to a person who reimbursed the victim for his or  
 21 her loss. ~~, or an assessment~~ **Victim payment also includes payments**  
 22 **to the crime victim rights fund** ordered under section 5 of 1989 PA  
 23 196, MCL 780.905.

24 **Sec. 29a. (1) The court shall not order a juvenile within the**  
 25 **court's jurisdiction under section 2(a)(1) or (f) of this chapter**  
 26 **or the juvenile's parent, guardian, or legal custodian to reimburse**  
 27 **the court for any fine, fees, or costs related to the juvenile's**  
 28 **court case.**

29 **(2) Beginning July 1, 2024, the court shall not collect the**

1 balance of any court-ordered fines, fees, or costs previously  
2 assessed to a juvenile under section 29 of this chapter, or former  
3 section 18m of this chapter, and only the portion of any court  
4 order that imposed those fines, fees, or costs is vacated and  
5 unenforceable.

6 Enacting section 1. Section 18m of chapter XIIA of the probate  
7 code of 1939, 1939 PA 288, MCL 712A.18m, is repealed.

8 Enacting section 2. This amendatory act takes effect July 1,  
9 2024.

10 Enacting section 3. This amendatory act does not take effect  
11 unless all of the following bills of the 102nd Legislature are  
12 enacted into law:

13 (a) Senate Bill No. 429.

14

15 (b) Senate Bill No. 430.

16

17 (c) Senate Bill No. 431.