

# HOUSE BILL No. 4958

October 7, 2015, Introduced by Reps. Heise, Santana, Chang, Kosowski, Byrd, Robinson, Geiss, Banks, Gay-Dagnogo, Greig, Yanez, Darany, Forlini, Lucido, Howrylak, LaVoy, Durhal, Rutledge, Irwin, Hovey-Wright, Plawecki, Moss, Love, Callton and Zemke and referred to the Committee on Criminal 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:**

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 detained, may be ordered by a court to be placed in a jail or other~~

1 ~~place of detention for adults, but in a room or ward out of sight~~  
2 ~~and sound from adults.~~

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

24 (2) ~~(4)~~The court, upon motion of a juvenile or individual  
25 less than ~~17~~18 years of age who is subject to confinement under  
26 ~~subsection (3)~~ may, for good cause shown, order the juvenile or  
27 individual less than ~~17~~18 years of age to be confined as otherwise

1 provided by law.

2 (3) ~~(5)~~—If a person is convicted of a crime within this state  
3 and has served time in a juvenile facility before sentencing  
4 because of being denied or being unable to furnish bond for the  
5 offense of which he or she is convicted, the trial court in  
6 imposing sentence shall specifically grant credit against the  
7 sentence for time served in a juvenile facility before sentencing.

8 Enacting section 1. This amendatory act takes effect 90 days  
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect  
11 unless all of the following bills of the 98th Legislature are  
12 enacted into law:

13 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4959 (request no.  
14 02552'15).

15 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4957 (request no.  
16 03219'15).