

PRISONS & CORRECTIONS SECTION  
Respectfully submits the following position on:

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HB 4135

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The Prisons & Corrections Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Prisons & Corrections Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Prisons & Corrections Section is 235.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 15. The number who voted in favor to this position was 11. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of Section:**

Prisons & Corrections Section

**Contact person:**

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**Bill Number:**

[HB 4135](#) (Heise) Criminal procedure; youthful trainees; revocation of trainee status under Holmes youthful trainee act for committing certain subsequent crimes; provide for. Amends sec. 12, ch. II of [1927 PA 175](#) (MCL [762.12](#)).

**Date position was adopted:**

February 13, 2015

**Process used to take the ideological position:**

Position adopted after an electronic discussion and vote

**Number of members in the decision-making body:**

15

**Number who voted in favor and opposed to the position:**

11 Voted for position

0 Voted against position

1 Abstained from vote

3 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

This bill limits judicial discretion. Revocation on the listed grounds is likely already occurring and thus the bill seems to be aimed at solving a problem that does not exist. Nonetheless, there also are mitigating circumstances where the revocation of HYTA ought not occur, especially when the new offense is a misdemeanor, and judges should retain the discretion to keep the defendant on HYTA status to accommodate those circumstances.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2015-HB-4135>