

Report on Public Policy Position

Name of section:

Criminal Law Section

Contact person:

Hon. David A. Hoort

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Bill Number:

[HB 5214](#) (Santana) Criminal procedure; youthful trainees; eligibility criteria for youthful trainee program; modify. Amends sec. 11, ch. II of [1927 PA 175](#) (MCL [762.11](#)).

[SB 0880](#) (Johnson) Criminal procedure; youthful trainees; eligibility criteria for youthful trainee program; modify. Amends sec. 11, ch. II of [1927 PA 175](#) (MCL [762.11](#)).

Date position was adopted:

December 20, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

17 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote

Position:

The Council voted to oppose the legislation as written but did support the concept of expanding the upper age requirement.

Explanation of the position, including any recommended amendments:

The Council believed expansion of the upper age requirement is reasonable because of the difficulties inherent in a felony conviction for first time offenders. The concerns expressed by the Section were that the legislation would minimize or eliminate judicial discretion by the mandatory requirements relating to tether, costs, community service, etc. The council also expressed concerns with community service being allowed to be performed for private 501(C)(3) entities. Community service is also not appropriate for all offenses or offenders. e.g. sexual or assault related convictions.

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?2011-HB-5214>

<http://legislature.mi.gov/doc.aspx?2011-SB-0880>