



# MICHIGAN JUVENILE JUSTICE COLLABORATIVE

A project of the Michigan Council on Crime and Delinquency  
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## MJJC 2009 - 2010 Legislative Priorities

### **Create Guidelines for Juvenile Competency to Proceed in Delinquency Hearings**

House Bills 5174-5175 would define and create guidelines to evaluate and address juvenile competency to proceed in delinquency hearings. Under the bills, youth under age 10 would be presumed incompetent for purposes of prosecution. Guidelines would define procedure for raising the issue competency in youth 10 and older, set qualifications for examiners, and specify the content of the report back to court. Courts would be given discretion to determine how to handle a child who is found incompetent to proceed.

### **End Sentencing of Juveniles under age 18 to Life without the Possibility of Parole**

House Bills 4518 and 4594-4595 would amend various acts to prohibit sentencing a juvenile convicted of a crime to life without the possibility of parole, and House Bill 4596 would revise parole eligibility for juveniles sentenced as adults. Under the bill, an individual who had been less than 18 years of age when the crime was committed would be eligible for parole after serving 10 years of the sentence. In determining whether to release a person on parole under these new provisions, the parole board would consider age and level of maturity at the time of the offense, the individual's degree of participation in the offense, the nature of the offense, and the likelihood of future criminal involvement.

### **Reform Michigan's Juvenile Public Defense System**

House Bill 4314 ensures that a child consults with an attorney prior to waiving right to counsel in a delinquency or criminal proceeding. If the child so chooses to waive his/ her rights after this consultation, the waiver shall be made in open court, on the record, and shall not be made unless the court finds on the record that the waiver was voluntarily and understandingly made.

A larger campaign to reform Michigan's public defense system will focus on developing a system that is state funded and meets national standards.

### **Request a Behavioral Health Study of Juvenile Justice Facilities**

Michigan's FY 2010 budget proposal for contains boilerplate language that would request the state to contract with a state university to conduct diagnostic clinical interviews with and records reviews for a representative random sample of juvenile justice system detainees to develop a report that assesses the prevalence and of emotional and/or addiction disorders. Such a study would review the youth's history of mental health services and hospitalization, criminal activity, and detention as a result of delinquency.