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TO: COUNCIL MEMBERS

FROM: David Whitaker, Director   
Legislative Policy Division Staff

DATE: April 1, 2019

RE: **RESOLUTION IN SUPPORT OF SENATE BILLS 84, 90, 91, 94, 96, 97, 98,  
AND 99**

Council member Janee' Ayers requested that the Legislative Policy Division (LPD) draft a resolution in support of Senate Bill 97 regarding the detention of juveniles. Senate Bill 97 is one of eight Senate Bills addressing juvenile detention policies.

Attached, please find our draft of the aforementioned resolution.

Please contact us if we can be of any further assistance.

**BY COUNCIL MEMBER JANEÉ' AYERS**

**RESOLUTION IN SUPPORT OF SENATE BILLS 84, 90, 91, 94, 96, 97, 98, AND 99**

**WHEREAS**, On February 7, 2019 several Michigan Senators introduced multiple bills that if passed as a group will achieve Juvenile Justice Reform, under a regimen referred to as: "Raise the Age." Included in this legislative scheme are Senate Bills 84, 90, 91, 94, 96, 97, 98, and 99. Although, all former bills listed are a part of the "Raise the Age" reform, Senate Bills 91, 96, and 97 can only be enacted if they are passed in conjunction with each other. SB 97 is tie-barred with Senate Bill 96 and both are tie-barred with Senate Bill 91. Specifically, each bill will:

- **SB 84:** would amend the "Michigan Indigent Defense Commission Act" to revise the definition of "adult"
- **SB 90:** would amend the juvenile code of the "Probate Code of 1939" to revise the definition of "adult" to refer to 18, instead of 17, years of age.
- **SB 91:** would amend the "Code of Criminal Procedure" to eliminate legal confinement of juvenile if they've committed a felony or their behavior could be considered "menacing" to other children and raise the age for legal confinement to 18 and older, instead of 17 or older.
- **SB 94:** would amend Chapter 10 (Criminal Provisions) of the "Mental Health Code" to revise the definition of "juvenile" to refer to a person who was under 18, instead of 17, years of age who was the subject of a delinquency petition.
- **SB 96:** would amend the "Michigan Penal Code" to prohibit a child under 18, rather than 16, years of age, while under arrest, confinement, or conviction, from being placed in a place of confinement or transported with an adult who has been charged or convicted of a crime, including when they are being transported to a youth correctional facility.
- **SB 97:** would amend the juvenile code of the "Probate Code of 1939" to prohibit a child under 18 years of age from being held in a jail or detention facility for adults, or transported with criminal adults, even if they are being tried as an adult. But it does allow him or her to be held in a detention facility for juveniles. It will modify provisions relating to the custody of a juvenile for violation of a personal protection order (PPO). It will also delete a provision that allows a court to order the detention of a juvenile 15 years of age or older if him or her exhibits menacing behavior. And it deletes a provision allowing the incarceration of a juvenile for up to 30 days for a probation violation.
- **SB 98:** would amend the "Code of Criminal Procedure" to modify the age from 17 to 18 when filing a juvenile petition after they are arrested.
- **SB 99:** would amend the "Code of Criminal Procedure" to change the age of PPO issued to enjoin domestic violence or stalking to 18, instead of 17.

**WHEREAS**, the passage of all 8 bills listed above will ensure there is no ambiguity or uncertainty about the modifications to the procedures governing crimes committed by juveniles; **NOW THEREFORE BE IT**

**RESOLVED**, That the Detroit City Council, consistent with the Detroit City Charter, affirms that it is unequivocally committed to the development and welfare of our youth and the de-criminalizing of our youth. Therefore, City Council strongly supports the passage of Senate Bills 84, 90, 91, 94, 96, 97, 98, and 99; **BE IT FURTHER**

**RESOLVED**, The Detroit City Clerk is directed to send a copy of this resolution to Governor Whitmer, Mayor Mike Duggan, and the Detroit Delegation in the State House.