



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: July 23, 2015

TO: Chief Circuit and District Judges
Circuit and District Court Administrators
County Clerks

FROM: Jim Inloes, Management Analyst
Bobbi Morrow, Management Analyst

RE: Changes in Holmes Youthful Trainee Statutes

Public Acts [31](#), [32](#) and [33](#), effective on August 18, 2015, change the provisions of MCL 762.11, 762.12, and 762.13 for defendants granted youthful trainee status.

MCL 762.11 will change in the following manner:

1. Permit a court to grant youthful trainee status to a person who committed a crime before his or her twenty-fourth birthday, rather than before his or her twenty-first birthday.
2. Provide that a youthful trainee, who committed the underlying crime on or after the offender's twenty-first birthday, but before the offender's twenty-fourth birthday, could be subject to electronic monitoring during the term of probation.
3. Allow a court to require a person assigned to youthful trainee status to maintain employment or to attend a school.

MCL 762.12 will change in the following manner:

1. Expand the list of crimes for which revocation must be ordered if the person pleads guilty to or is convicted of a crime specified in the act during youthful trainee status. The expanded list includes:
 - a. A felony for which the maximum penalty is imprisonment for life.
 - b. A major controlled substance offense.
 - c. A violation, attempted violation, or conspiracy to violate:
 - Felonious assault, MCL 750.82; assault with intent to do great bodily harm, MCL 750.84; or assault with intent to rob and steal, MCL 750.88.
 - First, second, or third degree home invasion, MCL 750.110a.

- Possession of a firearm or distribution of ammunition by a person convicted of a felony, MCL 750.224f.
- Carrying a firearm or dangerous weapon with unlawful intent, MCL 750.226; unlawful carrying of a concealed weapon, MCL 750.227; possession of a pistol, while not engaged in business, by a person licensed to carry a pistol because he or she is in the business of protecting another person or another person's property, MCL 750.227a; carrying or possessing a firearm when committing or attempting to commit a felony, MCL 750.227b.
- First degree CSC, MCL 750.520b; second degree CSC, MCL 750.520c; third degree CSC, MCL 750.520d; or fourth degree CSC, MCL 750.520e; or assault with intent to commit CSC. MCL 750.520g.¹
- Carjacking, MCL 750.529a.
- Unarmed robbery, MCL 750.530.
- A firearm offense (a crime involving a firearm whether or not the possession, use, transportation, or concealment of a firearm is an element of the crime). MCL 28.421.

MCL 762.13 will change in the following manner:

1. Reduce the maximum period of commitment to the Department of Corrections (DOC) from three years to two years.
2. Specify that, if a youthful trainee committed to the DOC is less than twenty-one years old, the person must be committed to a facility designated for custodial supervision and training.
3. Prohibit the commitment of a youthful trainee to the DOC if the underlying charge is for a particular offense listed in the bill. These are:
 - a. A violation of Article 7 (Controlled Substances) of the Public Health Code, MCL 333.7101 – MCL 333.7545.
 - b. Breaking and entering a tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, structure, boat, ship, shipping container or railroad car, with intent to commit a felony or larceny. MCL 750.110.
 - c. Third-degree home invasion. MCL 750.110a(4).
 - d. Improper use of a financial transaction device. MCL 750.157n – MCL 750.157w(1)(c).
 - e. Unlawfully carrying a concealed weapon. MCL 750.227.
 - f. Larceny of property, MCL 750.356; larceny from a person, MCL 750.357; or larceny through use of force or violence, assault, or putting another person in fear. MCL 750.530.

¹ The list excludes a third-degree violation involving a victim at least 13 years of age but less than 16 years, or a fourth-degree violation involving a victim at least 13 years of age, but less than 16 years, and an offender who is 5 or more years older than the victim.

- g. Willfully and without authority taking possession of and driving or taking away a motor vehicle, MCL 750.413.
 - h. Buying, receiving, possessing, or concealing, or aiding in the concealment, of stolen, embezzled, or converted property, MCL 750.535(3) or (7).
- 4. Allow a youthful trainee to be placed on probation for not more than one year following a prison or jail term.

Michigan Court Form [MC 242](#) has been modified to reflect the statutory changes.

If you have any questions, please feel free to contact Jim Inloes at 517-373-0122 or inloesj@courts.mi.gov, or Bobbi Morrow at 517-373-2173 or morrowb@courts.mi.gov.