



State Bar of Michigan Juvenile Law Section

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April 17, 1996

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Representative Nye
Committee on Judiciary and Civil Rights
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48909-7514

RE: Committee hearing held on April 17, 1996 concerning Juvenile Bills.

Dear Representative Nye:

I am writing on behalf of the Juvenile Law Section Council of the State Bar concerning the above bills. It is our unanimous position to oppose the adoption of any of these bills. We are comprised of attorneys, prosecutors, Juvenile Court referees and Probate Judges who practice daily in juvenile courts throughout the state.

Why are SB 682, SB 698, SB 697, HB 4128 and HB 4445 necessary? Laws and court rules already exist that cover these concerns. The Court can order parents to come and participate in their juveniles case and treatment. Line-ups have always been permissible when appropriate. In 1988, 20 offenses were targeted so upon conviction fingerprints could be forwarded to the identification bureau. Whether a juvenile is a gang member can be considered at disposition to enhance sentencing or a factor whether to waive to adult court.

HB 4037 and HB 4371 are probably unconstitutional. Included in the 1988 changes were adequate solutions if a juvenile violated their probation to Department of Social Services.

SB 700, HB 4038 and HB 4044 have the effect of limiting the judge's discretion. This has a serious chilling effect upon the historical concept of parents patriae which is the cornerstone of juvenile philosophy. Each juvenile deserves their case evaluated on its own individual merits.



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SB 281, SB 283 and SB 724 contradict the "get tough" attitude reflected in many of these bills as well as the 1988 changes. Those juveniles who are waived by the traditional method are not segregated from adult prisoners. Why should there be any greater consideration for those waived pursuant to these bills?

SB 867, SB 689, SB 870, HB 4490, HB 4486 and HB 4487 either lower the age for waiver or add offenses which can be waived. This is an inappropriate knee-jerk reaction resulting from the poor implementation and compliance with the vast juvenile legislature changes made in 1988. If the law is applied as written, then the serious, habitual or violent juvenile offenders can be dealt with. No new laws are necessary nor will they change judges' prejudices, fears or inability to administer the law when the results are harsh upon the juvenile.

Those who administer the laws should be held accountable for not following the laws that exist. (Let us make what exist work first before any changes are proposed.) Otherwise, changes are ineffective. We respectfully request that you do not adopt any of these bills. We invite you to our monthly meetings so a greater exchange can take place. We will meet on May 3 and June 6, 1996 at the State Bar Building in Lansing. We would like greater input.

Sincerely,

Thomas Doetsch
Thomas Doetsch

Chairperson Elect
Juvenile Law Section (313) 833-0172

Sharon Clayton Peters
President