

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

771.14a Inquiry and report before sentencing juvenile; disclosures; exemptions; review of report; challenges or responses to challenges; finding; amendment of report; copy of report and attachments; report additional to presentence investigation report.

Sec. 14a.

(1) Before the court sentences a juvenile under section 1(3) or (4) of chapter IX, the family independence agency or county juvenile agency, as applicable, shall inquire into the juvenile's antecedents, character, and circumstances and shall report in writing to the court as provided in section 4 of the juvenile facilities act, 1988 PA 73, MCL 803.224.

(2) The court may exempt from disclosure in a report under this section information or a diagnostic opinion that might seriously disrupt a program of rehabilitation or sources of information obtained on a promise of confidentiality. If a part of the report is not disclosed, the court shall state on the record the reasons for its action and inform the juvenile and his or her attorney that information has not been disclosed. The action of the court in exempting information from disclosure is subject to appellate review. Information or a diagnostic opinion exempted from disclosure under this subsection shall be specifically noted in the report.

(3) The court shall permit the prosecutor, the juvenile's attorney, and the juvenile to review the report before sentencing.

(4) At the time of sentencing, either party may challenge on the record the accuracy or relevancy of any information contained in the report. The court may order an adjournment to permit the parties to prepare a challenge or a response to a challenge. If the court finds that the challenged information is inaccurate or irrelevant, that finding shall be made a part of the record and the report shall be amended by striking the inaccurate or irrelevant information.

(5) The juvenile and, on appeal, the juvenile's attorney shall be provided with a copy of the report and any attachments to the report, with the exception of any information exempted from disclosure under subsection (2).

(6) If the juvenile is committed to a state penal institution or is placed on probation and committed to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, a copy of the report and any attachments to it shall accompany the commitment papers. If the juvenile is sentenced by fine or imprisonment or placed on probation but not committed to an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, a copy of the report and any attachments to it shall be filed with the department of corrections.

(7) A report under this section is in addition to, and not in lieu of, a presentence investigation report required by section 14 of this chapter.

History: Add. 1988, Act 78, Eff. Oct. 1, 1988 ;-- Am. 1998, Act 520, Imd. Eff. Jan. 12, 1999

Compiler's Notes: Section 3 of Act 78 of 1988 provides: "This amendatory act shall take effect June 1, 1988." This section was amended by Act 181 of 1988 to read as follows: "This amendatory act shall take effect October 1, 1988."