

STATUTORY RELIEF

MCLA 762.11- 762.15 Holmes Youthful Trainee Act (HYTA)

Eligibility

- Offense must have been committed prior to the defendant's 21st birthday
- Must have consent of individual
- Offense may be for any charge excluding the following:
 - A felony punishable by life
 - A major drug offense
 - A traffic offense which is considered a misdemeanor or a felony under the Michigan Vehicle code 257, or any corresponding local ordinance
- Defendant must enter a plea of guilty, but the court withholds a judgment of guilt
- For a misdemeanor offense the term of probation may not exceed 2 years
- For a felony offense the term of probation may not exceed 3 years
 - Does not apply to the following
 - A felony for which the maximum penalty is imprisonment for life
 - A major controlled substance offense
 - A traffic offense
 - A violation, attempted violation, or conspiracy to violate section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d and 750.520e, other than section 520d(1)(a) or 520e(1)(a) of the MI penal code, 1931 PA 328 MCL 750.520d and 750.520e
 - A violation, attempted violation, or conspiracy to violate section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520g, with intent to commit a violation of section 520b, 520c, 520d, or 520e of the MI penal code, 1931 PA 328, MCL 750.520d and 750.520e.
- A revocation of status results in an adjudication of guilt and imposition of sentence

It should be noted that although HYTA is generally thought to be for first time offenders, the statute does not specify that as a criterion, nor does it limit the number of dismissals under this section.

MCLA 769.4a Spouse Abuse Act

Eligibility

- Defendant has not been previously convicted of 750.81(Assault & Battery) or 750.81a (Aggravated Assault)
- Victim is the defendant's spouse, former spouse, an individual who has a child in common with the defendant, or an individual residing or having resided in the same household
- Defendant may only have one dismissal under this section
- Defendant may be placed on a period of probation not to exceed 2 years*

*As a condition of probation the defendant may be ordered to attend a mandatory counseling program at his/her own cost.

MCLA 333.7411 Substance Abuse Act

Eligibility

- No previous drug related convictions
- Defendant must be charged with one of the following offenses:
 - Possession of a Controlled Substance under 333.7403 (2)(a)(v), (b), (c), or (d)* OR
 - Use of a controlled substance 333.7404 OR
 - First or second charge of Possession of an Imitation controlled substance 333.7341(4)**
- Must have consent of defendant
- Only one prior dismissal under this section
- Defendant must enter a plea of guilty or be found guilty, but court withholds judgment of guilt
- **Misdemeanor:** Defendant must be placed on a term of probation not to exceed 2 years***
- **Felony:** Defendant must be placed on a term of probation not to exceed 5 years

*Sections (c) and (d) of 333.7403 apply to District Courts with the charges of Possession of a Schedule 5 Drug & Possession of Marijuana.

**If it is the defendant's second violation of this section, the court shall order the defendant to undergo screening and assessment for substance abuse treatment.

***As a condition of probation, the defendant may be confined to jail or a residential treatment facility, or may be required to attend appropriate rehabilitative programs.