

**SENATE FISCAL AGENCY
MEMORANDUM**



DATE: August 17, 2022
TO: Members of the Michigan Senate
FROM: John Maxwell, Senior Fiscal Analyst
RE: Executive Order 2022-7

Executive Order 2022-7

On August 2, 2022, Governor Whitmer issued Executive Order (EO) 2022-7 to create the Michigan Committee on Juvenile Justice as an advisory body within the Department of Health and Human Services (DHHS). The Committee will act to supervise, prepare, and administer the comprehensive Juvenile Justice and Delinquency Prevention Plan required by the Federal Juvenile Justice and Delinquency Prevention Act. Federal law requires any state receiving Federal money under the Juvenile Justice and Delinquency Prevention Act to create an advisory group appointed by the chief executive officer of the state to advise the state planning agency on juvenile justice and delinquency prevention matters and awards of grants to state and local governments, private nonprofit agencies, colleges, and universities. Executive Order 2022-7 creates an advisory body to reflect current Federal requirements. The Governor must designate the chairperson of the Committee.

This EO also rescinds EO 2017-12 by abolishing the Michigan Committee on Juvenile Justice as established under that EO.

Article V, Section 1 of the Michigan Constitution states that the power of the executive is vested in the Governor. Article V, Section 8 of the Michigan Constitution obligates the Governor to take care that the laws be faithfully executed. The establishment of the Michigan Committee on Juvenile Justice is not subject to legislative disapproval, and the order creating it was effective on the date it was filed, August 2, 2022.

Creation of the Michigan Committee on Juvenile Justice

The Committee must consist of no fewer than 21 members and no more than 33 members, all of whom must be appointed by the Governor. The appointed membership must have training or experience within the juvenile justice system, or special knowledge concerning the prevention and treatment of juvenile delinquency. The Committee membership must reflect the requirements established in the Federal Juvenile Justice Delinquency Prevention Act, 34 USC 11133. The EO requires members to have specified experiences from different areas of the juvenile justice system. A majority of the Committee, including the chairperson, may not be full-time employees of the Federal, State, or a local government. At least one-fifth of the Committee must be under the age of 28 when initially appointed, and at least three members must have lived experience with the juvenile justice system.

Charge to the Committee

The Committee must participate in the development and review of the State's Juvenile Justice and Delinquency Prevention Plan. The Committee must have the opportunity to review and comment on all juvenile justice and delinquency prevention grant applications within 45 days of



their submission to the committee. The Committee must focus on racial, geographical, educational, and financial equity in conducting its work. If the DHHS requests it, the Committee may participate in monitoring State compliance with Federal program requirements, advise on local criminal justice advisory board composition, and review the accomplishments of projects funded under the State's juvenile justice plan. If requested by the DHHS and the Governor, the Committee must advise on matters related to juvenile justice and delinquency prevention.

At least every two years, the Committee must submit a report to the Legislature and the Governor on recommendations regarding State compliance with its juvenile justice plan and policy recommendations and/or potential actions on how to improve juvenile justice in Michigan.

The Committee must seek regular input from juveniles who currently are under the jurisdiction of the juvenile justice system.

Operations of the Committee

The Committee will be staffed and assisted by the DHHS and will provide any budget, procurement, and related management functions necessary to perform its objectives. The Committee must meet at the call of its chairperson. Members who attend fewer than 50% of scheduled meeting in any calendar year will have vacated their appointment. The Committee may adopt additional procedures governing organization and operations, consistent with this EO and applicable law. The EO states that the Committee must comply with the Freedom of Information Act.

The Committee may establish advisory workgroups, make inquiries, studies, and investigations; hold hearings, receive comments from the public; and consult with outside experts. The Committee may accept donations of labor, services, or other things of value from public or private agencies or people in accordance with law. Committee members must refer all legal, legislative, and media contacts that involve the work of the Committee to the DHHS. Members of the Committee must not receive additional compensation for participation on the Committee.

All departments, committees, commissioners, or officers of the State must give to the Committee any necessary assistance it requires in the performance of its duties so far as is compatible with their duties and consistent with this order and applicable law.

Types of Transfers

The creation of the Committee does not involve a Type I, II, or III transfer as identified under the Executive Organization Act.

Fiscal Impact

The Department of Health and Human Services will incur the costs for staff or support that is provided to the Committee. Given that a Committee on Juvenile Justice has existed in Michigan since 1976, there should be no additional cost to the State outside of the existing \$363,400 and 2.5 FTEs appropriated for the Committee in the DHHS budget in Public Act 166 of 2022 for fiscal year 2022-23. To the extent that existing appropriations and staff resources can absorb the necessary costs associated with the Committee, an additional appropriation will not be required.

Members of the Committee will serve without compensation; however, they may be reimbursed for necessary travel and expenses consistent with current law, rules, and procedures, and subject to available funding.

Summary

Executive Order 2022-7 creates the Michigan Committee on Juvenile Justice within the DHHS. The Committee will act in an advisory capacity to the Governor and the DHHS Director to advise the state planning agency on juvenile justice and delinquency prevention matters and the award of grants to state and local governments, private nonprofit agencies, colleges, and universities. At least every 2 years, the Committee must submit a report to the Legislature and the Governor on recommendations regarding state compliance with the state's juvenile justice plan and policy recommendations and/or potential actions on how to improve juvenile justice in the state.

EO rescinds EO 2017-17 by abolishing the Michigan Committee on Juvenile Justice as created in that EO.

If you have any questions on EO 2022-7, please do not hesitate to contact us.

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c: Kathryn Summers, Director
Josh Sefton, Associate Director