



## Michigan Supreme Court

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### MEMORANDUM

DATE: May 16, 2023  
(Revised November 7, 2023)

TO: Circuit and Probate Judges  
Circuit Court Administrators  
Probate Registers  
County Clerks

FROM: Thomas P. Boyd, State Court Administrator

RE: Juvenile Automatic Set Asides

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#### Background

This memo contains information regarding the automatic **juvenile** adjudication set aside process, effective December 30, 2023. 2020 PA 361 amended the juvenile set aside paper application process ([MCL 712A.18e](#)) and created a new automatic set aside process ([MCL 712A.18t](#)).

#### Automatic Set Asides

Beginning December 30, 2023, courts must automatically set aside juvenile adjudications two years after the termination of court supervision or when the juvenile turns 18 years of age, whichever comes later. MCL 712A.18t(1). All juvenile adjudications must be automatically set aside **except** for offenses identified in MCL 712A.18t(2). Appendices A, B, and C identify offenses that are ineligible for an automatic juvenile set aside.

- **Appendix A** is a list of ineligible offenses identified by statute and PACC code.
- **Appendix B** is a list of “specified juvenile violations” that are ineligible for an automatic set aside. These offenses are identified in a separate Appendix because attempts, conspiracy, or solicitation to commit these offenses are also ineligible for an automatic set aside. Violations arising out of the same transaction as a specified juvenile violation are also ineligible for a set aside. MCL 712A.2(a)(1)(I).
- **Appendix C** is a list of “lesser included offenses” of specified juvenile violations. These lesser included offenses are ineligible for an automatic set aside *if* the person was charged with a specified juvenile violation. MCL 712A.2(a)(1)(H).

Automatic juvenile set asides occur by operation of law. Unlike set aside applications filed under MCL 712A.18e(2), courts **do not** need to enter an order granting an automatic set aside. Case management systems should be programmed to automatically set aside juvenile adjudications on the day they become

eligible.

Upon automatically setting aside an adjudication, the court must notify the arresting agency and the Michigan State Police (MSP) that the adjudication has been set aside. MCL 712A.18t(5). Courts should contact their local law enforcement agencies to determine how to provide this notice.

Judicial Information Services (JIS) is updating the JIS case management system to incorporate these new automatic set aside requirements and exceptions. Non-JIS courts should review the requirements of MCL 712A.18t and work with their CMS providers to ensure all programming is complete by December 30, 2023. Additionally, a previously issued [memo](#) outlines new requirements for sending set aside information to the Judicial Data Warehouse (JDW).

Please remember, a juvenile adjudication that is automatically set aside **does not**:

- Entitle the person to a remission of any fine, cost, or other money paid as a consequence of the adjudication.
- Affect the right of the person to rely upon the adjudication to bar subsequent proceedings for the same offense.
- Affect the right of a victim of an offense to prosecute or defend a civil action for damages.
- Create a right to commence an action for damages for detention served under the disposition. MCL 712A.18t(4).

### **Michigan State Police (MSP) Responsibilities**

After receiving notice of the set aside adjudication, MSP will retain a nonpublic record of the set aside adjudication and of the arrest, fingerprints, adjudication, and disposition of the person in the case. This nonpublic record will only be made available to the following agencies for the following purposes (MCL 712A.18t(6)):

<b>Agencies</b>	<b>Purposes</b>
1. Courts of competent jurisdiction	1. Consideration in a licensing function conducted by an agency of the judicial branch of state government.
2. An agency of the judicial branch of state government	2. Consideration by a law enforcement agency if a person whose adjudication has been set aside applies for employment with the law enforcement agency.
3. A law enforcement agency	3. The court's consideration in determining the sentence to be imposed upon conviction for a subsequent offense that is punishable as a felony or by imprisonment for more than 1 year.
4. A prosecuting attorney	4. Consideration by the governor, if the person applies for a pardon for another offense.
5. The attorney general	
6. The Governor	

MSP must also provide a copy of the nonpublic record to the person whose adjudication is set aside after paying a fee. MCL 712A.18t(7). Please contact your [regional administrative office](#) with any questions regarding the automatic set aside process for juvenile adjudications.

## APPENDIX A

### Juvenile Adjudications Ineligible for an Automatic Set Aside (MCL 712A.18t(2))

#### Maximum Punishment—Life Imprisonment

An adjudication of an offense which if committed by an adult would be a felony for which the maximum punishment is life imprisonment is **not** eligible for an automatic juvenile set aside. MCL 712A.18t(2); MCL 712A.18e(2). The offenses below all have a maximum punishment of life in prison.

PACC Code	Statute Cite	Offense
333.74012A1	MCL 333.7401(2)(a)(i)	Controlled Substance – Delivery/Manufacture (Cocaine, Heroin, or Another Narcotic) 1000 or more Grams
333.74032A1	MCL 333.7403(2)(a)(i)	Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 1000 or More Grams
333.7416	MCL 333.7416	Controlled Substance – Inducing A Minor to Commit a Felony ( <b>if act solicited is delivery or possession of over 650 grams of a narcotic or cocaine, the penalty is life</b> )
333.74131	MCL 333.7413(1)	Controlled Substance – 2 <sup>nd</sup> or Subsequent Offense Notice – Life
333.177647	MCL 333.17764(7)	Controlled Substances – Sale of Adulterated/ Misbranded Drugs – With Intent to Kill or Cause Serious Impairment – Causing Death
462.2571	MCL 462.257(1)	Trains – Endangering Travel
466.12-A	MCL 466.12	Trains – Endangering Travel
472.212	MCL 472.21(2)	Street Railway – Derailing or Endangering Passengers
472.36	MCL 472.36	Railroad – Obstruction of Track Causing Injury
750.10A	MCL 750.10a	Sexually Delinquent Person
750.165-A	MCL 750.16(5)	Drugs or Medicine – Adulterating/Misbranding/Substituting – With Intent to Kill or Cause Serious Impairment – Causing Death
750.165-AJ	MCL 750.16(5)	Drugs or Medicine – Adulterating/Misbranding/Substituting with Intent to Kill or Cause Serious Impairment – Causing Death – Juvenile Defendant
750.187	MCL 750.18(7)	Drugs or Medicine – Adulterating to Affect Quality – With Intent to Kill or Cause Serious Impairment – Causing Death

750.187-J	MCL 750.18(7)	Drugs or Medicine – Adulterating to Affect Quality – With Intent to Kill or Cause Serious Impairment – Causing Death – Juvenile Defendant
750.49-D	MCL 750.49(2)	Animals – Inciting Fighting Dogs Causing Death
750.72	MCL 750.72	First Degree Arson
750.761A	MCL 750.76(1)(a)	Arson of an Insured Dwelling
750.80	MCL 750.80	Arson – Mines
750.83	MCL 750.83	Assault With Intent to Murder
750.85	MCL 750.85	Torture
750.89	MCL 750.89	Assault With Intent to Rob While Armed
750.90A	MCL 750.90a	Assault – Pregnant Individual – Intentionally Causing Miscarriage/Stillbirth
750.90G	MCL 750.90g	Infants – Procedure with Intent to Cause Death
750.91	MCL 750.91	Homicide – Attempted Murder
750.136B2	MCL 750.136b(2)	Child Abuse – 1 <sup>st</sup> Degree
750.136D1A	MCL 750.136d(1)(a)	Child Abuse – 1 <sup>st</sup> Degree Committed in the Presence of Another Child
750.157B2	MCL 750.157b(2)	Homicide – Solicitation of Murder
750.158-A <sup>1</sup>	MCL 750.158	Sexually Delinquent Person Notice – Sodomy
750.200I1D	MCL 750.200i(2)(d)	Harmful Devices – Unlawful Possession or Use Causing Serious Injury
750.200I1E	MCL 750.200i(2)(e)	Harmful Devices – Unlawful Possession or use Causing Death
750.200I1E-J	MCL 750.200i(2)(e)	Harmful Devices – Unlawful Possession or Use Causing Death – Juvenile Defendant
750.200J1E	MCL 750.200j(1)(e)	Harmful Devices – Imitation/Irritants – Unlawful Possession or Use Causing Death
750.2042D	MCL 750.204(2)(d)	Explosives – Sending With intent to Injure/Destroy Causing Serious Injury
750.2042E	MCL 750.204(2)(e)	Explosives – Sending With Intent to Injure/Destroy Causing Death
750.2042E-J	MCL 750.204(2)(e)	Explosives – Sending With Intent to Injure/Destroy Causing Death – Juvenile Defendant
750.207	MCL 750.207	Explosives – Placing with Person Injury Result
750.2072D	MCL 750.207(2)(d)	Explosives – Placing Near Property Causing Serious Injury
750.2072E	MCL 750.207(2)(e)	Explosives – Placing Near Property Causing Death

<sup>1</sup> If a juvenile was determined to be a Sexually Delinquent Person, do not set aside the underlying offense of **Sodomy (750.158)**.

750.2072E-J	MCL 750.207(2)(e)	Explosives – Placing Near Property Causing Death – Juvenile Defendant
750.2091D	MCL 750.209(1)(d)	Explosives – Placing Offensive Substance With Intent to Injure – Causing Serious Injury
750.2091E	MCL 750.209(1)(e)	Explosives – Placing Offensive Substance With intent to Injure – Causing Death
750.2091E-J	MCL 750.209(1)(e)	Explosives – Placing Offensive Substance With intent to Injure – Causing Death – Juvenile Defendant
750.2102D	MCL 750.210(2)(d)	Explosives – Possession of Bombs with Unlawful Intent – Causing Serious Injury
750.2102E	MCL 750.210(2)(e)	Explosives – Possession of Bombs with Unlawful Intent – Causing Death
750.2102E-J	MCL 750.210(2)(e)	Explosives – Possession of Bombs with Unlawful Intent – Causing Death – Juvenile Defendant
750.211A2D	MCL 750.211a(2)(e)	Explosives – Manufacture/Possession of Molotov Cocktail/Explosive or Incendiary Device Causing Serious Injury
750.211A2E	MCL 750.211a(2)(f)	Explosives – Manufacture/Possession off Molotov Cocktail/Explosive or Incendiary Device Causing Death
750.211A2E-J	MCL 750.211a(2)(f)	Explosives – Manufacture/Possession of Molotov Cocktail/Explosive or Incendiary Device Causing Death – Juvenile Defendant
750.234A1D	MCL 750.234a(1)(d)	Weapons – Firearms – Discharge From a Vehicle Causing Death
750.234B5	MCL 750.234b(5)	Weapons – Firearms – Discharge In or at a Building Causing Death
750.260	MCL 750.260	Counterfeiting – Coins/Possession of 5 or More
750.316	MCL 750.316	Homicide – First Degree Murder – Multiple Theories
750.316-J	MCL 750.316	Homicide – First Degree Murder – Multiple Theories – Juvenile Defendant
750.316-A	MCL 750.316	Homicide – Murder First Degree – Premeditated
750.316-AJ	MCL 750.316	Homicide – First Degree Murder – Premeditated – Juvenile Defendant
750.316-B	MCL 750.316(1)(b)	Homicide – Felony Murder
750.316-BJ	MCL 750.316(1)(b)	Homicide – Felony Murder – Juvenile Defendant
750.316-C	MCL 750.316	Homicide – Open Murder – Statutory Short Form
750.316-D	MCL 750.316(1)(c)	Homicide – Murder of Peace/Corrections Officer
750.316-DJ	MCL 750.316(1)(c)	Homicide – Murder of Peace/Corrections Officer – Juvenile Defendant
750.317	MCL 750.317	Homicide – Murder – Second Degree

750.317A	MCL 750.317a	Delivery of Controlled Substance Causing Death
750.319	MCL 750.319	Homicide – Death by Duels
750.327	MCL 750.327	Homicide – Death by Explosives/Common Carrier
750.328	MCL 750.328	Homicide – By Explosives In or Near Building
750.335A2C	MCL 750.335a(2)(c)	Sexually Delinquent Person Notice – Indecent Exposure
750.338-A <sup>2</sup>	MCL 750.338	Sexually Delinquent Person Notice – Gross Indecency Between Males
750.338A-A <sup>3</sup>	MCL 750.338a	Sexually Delinquent Person Notice – Gross Indecency Between Females
750.338B-A <sup>4</sup>	MCL 750.338b	Sexually Delinquent Person Notice – Gross Indecency between Male and Female
750.349	MCL 750.349	Kidnapping
750.349A	MCL 750.349a	Prison – Taking a Hostage
750.350	MCL 750.350	Kidnapping – Child Enticement
750.422-A	MCL 750.422	Perjury – Capital Trial
750.4362	MCL 750.436	Poison – Food/Drink/Medicine/Wells/ - Large Amounts/Injury
750.4362D	MCL 750.436(2)(d)	Poisoning – Food/Drink/Medicine/Water Supply – Causing Serious Injury
750.4362E	MCL 750.436(2)(e)	Poisoning – Food/Drink/Medicine/Water Supply – Causing Death
750.4362E-J	MCL 750.436(2)(e)	Poisoning – Food/Drink/Medicine/Water Supply – Causing Death – Juvenile Defendant
750.462B4	MCL 750.462b	Human Trafficking – Forced Labor involving Kidnapping, CSC, or Death
750.462C4	MCL 750.462c	Human Trafficking – Debt Bondage Involving Kidnapping, CSC, or Death
750.462D3	MCL 750.462d(3)	Human Trafficking – By Abusing Legal Process Causing Death
750.462DA4	MCL 750.462d	Human Trafficking – Subjecting Person to Forced Labor or Debt Bondage Involving Kidnapping, CSC, or Death
750.462DB4	MCL 750.462d(b)	Human Trafficking Enterprise Involving Kidnapping, CSC, or Death
750.462E3	MCL 750.462e(3)	Human Trafficking – By Destroying Identification Documents Causing Death

<sup>2</sup> If a juvenile was determined to be a Sexually Delinquent Person, do not set aside the underlying offense of **Gross Indecency Between Males—Committing/Procuring (750.338)**.

<sup>3</sup> If a juvenile was determined to be a Sexually Delinquent Person, do not set aside the underlying offense of **Gross Indecency Between Females—Committing/Procuring (750.338A)**.

<sup>4</sup> If a juvenile was determined to be Sexually Delinquent Person, do not set aside the underlying offense of **Gross Indecency Between Male and Female—Committing/Procuring (750.338B)**.

750.462F3	MCL 750.462f(3)	Human Trafficking – By Blackmail Causing Death
750.462H1A4	MCL 750.462h(3)	Human Trafficking – Recruiting Person for Forced Labor Causing Death
750.462H1B4	MCL 750.462h(4)	Human Trafficking Financially Benefitting Causing Death
750.462I	MCL 750.462I	Human Trafficking – Kidnaping, CSC, or an Attempt to Kill
750.462J1C	MCL 750.462j(1)(c)	Human Trafficking – Forced Labor Resulting in Death
750.462J2C	MCL 750.462j(2)(c)	Human Trafficking – Involuntary Servitude Resulting in Death
750.511	MCL 750.511	Railroads – Blocking/Wrecking Track
750.516	MCL 750.516	Railroads – Stopping Train to Rob
750.517	MCL 750.517	Railroads – Boarding Train to Rob
750.520	MCL 750.520	Rape
750.520B	MCL 750.520b	Criminal Sexual Conduct – First Degree (Multiple Variables)
750.520B1A	MCL 750.520b(1)(a)	Criminal Sexual Conduct – First Degree (Person Under Thirteen- Defendant Under 17)
750.520B1B	MCL 750.520b(1)(b)	Criminal Sexual Conduct – First Degree (Relationship)
750.520B1C	MCL 750.520b(1)(c)	Criminal Sexual Conduct – First Degree (During Felony)
750.520B1D	MCL 750.520b(1)(d)	Criminal Sexual Conduct – First Degree (Accomplices)
750.520B1E	MCL 750.520b(1)(e)	Criminal Sexual Conduct – First Degree (Weapon Used)
750.520B1F	MCL 750.520b(1)(f)	Criminal Sexual Conduct – First Degree (Personal Injury)
750.520B1G	MCL 750.520b(1)(g)	Criminal Sexual Conduct – First Degree (Injury to Incapacitated Victim)
750.520B1H	MCL 750.520b(1)(h)	Criminal Sexual Conduct – First Degree (Mentally Disabled – Relationship)
750.520B2B	MCL 750.520b(2)(b)	Criminal Sexual Conduct – First Degree Person Under Thirteen – Defendant 17 Years of Age or Older
750.520B2C	MCL 750.520b(2)(c)	Criminal Sexual Conduct – First Degree (Person Under Thirteen, Defendant 18 Years of Age or Older) Second Offense Notice
750.529	MCL 750.529	Robbery – Armed
750.529-A	MCL 750.529	Robbery – Armed – Serious Injury
750.529A	MCL 750.529a	Carjacking
750.531-A	MCL 750.531	Bank Robbery



750.531-B	MCL 750.531	Safe Breaking
750.543F-A	MCL 750.543f	Terrorism
750.543F-B	MCL 750.543f	Terrorism Causing Death
750.543F-BJ	MCL 750.543f	Terrorism Causing Death – Juvenile Defendant
750.543H3B	MCL 750.543h(3)(b)	Terrorism – Hindering Prosecution of a Terrorist
750.543H	MCL 750.543h	Terrorism – Hindering Prosecution
750.544	MCL 750.544	Treason
767A.91B	MCL 767A.9(1)(b)	Prosecutors Investigative Subpoenas – Life Offense – Perjury
769.12	MCL 769.12	Habitual Offender – Fourth Offense Notice (if primary offense has penalty of 5 years or more)
769.121A	MCL 769.12(1)(a)	Habitual Offender – Fourth Offense Notice – Mandatory 25 Year Sentence

**Designated Proceedings**

A conviction in a designated proceeding in the Family Division is **not** eligible for an automatic juvenile set aside. MCL 712A.18t(2); MCL 712A.18e(2); MCL 712A.2d.

**Other Ineligible Offenses**

An adjudication for the offenses identified below are **not** eligible for an automatic juvenile set aside. MCL 712A.18t(2).

PACC Code	Statute Cite	Offense
750.81A	MCL 750.81a(1)	Assault - Aggravated
750.81A2	MCL 750.81a(2)	Domestic Violence - Aggravated
750.81A3	MCL 750.81a(3)	Domestic Violence – Aggravated – Second Offense Notice
750.82	MCL 750.82	Assault With a Dangerous Weapon (Felonious Assault)
750.822	MCL 750.82(2)	Weapon-Free Schools – Assault With a Dangerous Weapon
750.90	MCL 750.90	Sexual Intercourse - Pretext of Medical Treatment
750.136B2	MCL 750.136b(2)	Child Abuse – 1st Degree
750.136B3	MCL 750.136b(3)	Child Abuse – 2nd Degree
750.136B3-A	MCL 750.136b(3)(d)	Child Abuse – 2 <sup>nd</sup> Degree – Child Care Organization – Violation Causing Death
750.136B4B	MCL 750.136b(4)(b)	Child Abuse – 2 <sup>nd</sup> Degree – Second or Subsequent Offense Notice
750.136B4	MCL 750.136b(5)	Child Abuse – 3rd Degree
750.136B6B	MCL 750.136b(6)(b)	Child Abuse – 3 <sup>rd</sup> Degree – Second or Subsequent Offense Notice
750.136B5	MCL 750.136b(7)	Child Abuse – 4th Degree



750.136B8B	MCL 750.136b(8)(b)	Child Abuse – 4 <sup>th</sup> Degree – Second or Subsequent Offense Notice
750.321-A	MCL 750.321	Homicide – Manslaughter
750.321-B	MCL 750.321	Homicide – Abortion – Death Resulting
750.321-C	MCL 750.321	Homicide – Manslaughter – Involuntary
750.321-D	MCL 750.321	Homicide – Manslaughter - Voluntary
750.321-E	MCL 750.321	Homicide – Manslaughter with Motor Vehicle
750.322	MCL 750.322	Homicide - Willful Killing of Unborn Quick Child
750.397	MCL 750.397	Mayhem
750.411H	MCL 750.411h	Stalking
750.411H2B	MCL 750.411h(2)(b)	Stalking a Minor
750.411I	MCL 750.411i	Stalking - Aggravated
750.411I2B	MCL 750.411i(2)(b)	Stalking a Minor - Aggravated
750.520D	MCL 750.520d	Criminal Sexual Conduct – 3 <sup>rd</sup> Degree (Multiple Variables)
750.520D1A	MCL 750.520d(1)(a)	Criminal Sexual Conduct – 3 <sup>rd</sup> Degree (Person Thirteen through Fifteen)
750.520D1B	MCL 750.520d(1)(b)	Criminal Sexual Conduct – 3 <sup>rd</sup> Degree (Force or Coercion)
750.520D1C	MCL 750.520d(1)(c)	Criminal Sexual Conduct – 3 <sup>rd</sup> Degree (Incapacitated Victim)
750.520D1D	MCL 750.520d(1)(d)	Criminal Sexual Conduct – 3 <sup>rd</sup> Degree (Incest)
750.520D1E	MCL 750.520d(1)(e)	Criminal Sexual Conduct – 3 <sup>rd</sup> Degree (Student)
750.520D1F	MCL 750.520d(1)(f)	Criminal Sexual Conduct – 3 <sup>rd</sup> Degree (Special Education Student)
750.520D1G	MCL 750.520d(1)(g)	Criminal Sexual Conduct – 3 <sup>rd</sup> Degree (Foster Care)
750.520G1	MCL 750.520g(1)	Criminal Sexual Conduct – Assault With Intent to Commit Sexual Penetration
750.520G2	MCL 750.520g(2)	Assault With Intent To Commit Criminal Sexual Conduct – 2 <sup>nd</sup> Degree
750.543K1A	MCL 750.543k(1)(a)	Terrorism – Soliciting Material Support
750.543K1B	MCL 750.543k(1)(b)	Terrorist Acts – Providing Material Support

## APPENDIX B

### Specified Juvenile Violations

An adjudication for a “specified juvenile violation” is **not** eligible for an automatic juvenile set aside. MCL 712A.18t(2). This includes an attempt to commit, conspiracy to commit, or solicitation to commit any “specified juvenile violation”. MCL 712A.2(a)(1)(E)-(G). A list of specified juvenile violations is contained below. MCL 712A.2.

<b>PACC Code</b>	<b>Statute Cite</b>	<b>Offense</b>
<b>750.72</b>	<b>MCL 750.72</b>	<b>First Degree Arson</b>
750.72[A]	MCL 750.72	Attempt to Commit First Degree Arson
750.72[C]	MCL 750.72	Conspiracy to Commit First Degree Arson
750.72[S]	MCL 750.72	Solicitation to Commit First Degree Arson
<b>750.72-A</b>	<b>MCL 750.72</b>	<b>Arson – Dwelling House</b>
750.72-A[A]	MCL 750.72	Attempt Arson – Dwelling House
750.72-A[C]	MCL 750.72	Conspiracy Arson – Dwelling House
750.72-A[S]	MCL 750.72	Solicitation Arson – Dwelling House
<b>750.72-B</b>	<b>MCL 750.72</b>	<b>Arson – Dwelling House Curtilage</b>
750.72-B[A]	MCL 750.72	Attempt Arson – Dwelling House Curtilage
750.72-B[C]	MCL 750.72	Conspiracy Arson – Dwelling House Curtilage
750.72-B[S]	MCL 750.72	Solicitation Arson – Dwelling House Curtilage
<b>750.83</b>	<b>MCL 750.83</b>	<b>Assault with Intent to Murder</b>
750.83[A]	MCL 750.83	Attempt to Commit Assault with Intent to Murder
750.83[C]	MCL 750.83	Conspiracy to Commit Assault with Intent to Murder
750.83[S]	MCL 750.83	Solicitation to Commit Assault with Intent to Murder
<b>750.84</b>	<b>MCL 750.84*</b>	<b>Assault with Intent to Do Great Bodily Harm Less Than Murder or By Strangulation</b> <ul style="list-style-type: none"> <li>• <b>If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</b></li> </ul>
750.84[A]	MCL 750.84*	Attempt to Commit Assault with Intent to Do Great Bodily Harm Less Than Murder or By Strangulation <ul style="list-style-type: none"> <li>• If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</li> </ul>
750.84[C]	MCL 750.84*	Conspiracy to Commit Assault with Intent to Do Great Bodily Harm Less Than Murder or By Strangulation <ul style="list-style-type: none"> <li>• If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</li> </ul>
750.84[S]	MCL 750.84*	Solicitation to Commit Assault with Intent to Do Great Bodily Harm Less Than Murder or By Strangulation <ul style="list-style-type: none"> <li>• If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</li> </ul>

<b>750.841B</b>	<b>MCL 750.84</b>	<b>Assault by Strangulation</b> <ul style="list-style-type: none"> <li>• <b>If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</b></li> </ul>
750.841B[A]	MCL 750.84	Attempt Assault by Strangulation <ul style="list-style-type: none"> <li>• If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</li> </ul>
750.841B[C]	MCL 750.84	Conspiracy Assault by Strangulation <ul style="list-style-type: none"> <li>• If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</li> </ul>
750.841B[S]	MCL 750.84	Solicitation Assault by Strangulation <ul style="list-style-type: none"> <li>• If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</li> </ul>
<b>750.89</b>	<b>MCL 750.89</b>	<b>Assault with Intent to Rob While Armed</b>
750.89[A]	MCL 750.89	Attempt to Commit Assault with Intent to Rob While Armed
750.89[C]	MCL 750.89	Conspiracy to Commit Assault with Intent to Rob While Armed
750.89[S]	MCL 750.89	Solicitation to Commit Assault with Intent to Rob While Armed
<b>750.91</b>	<b>MCL 750.91</b>	<b>Homicide – Attempted Murder</b>
750.91[A]	MCL 750.91	Attempt to Commit Homicide – Attempted Murder
750.91[C]	MCL 750.91	Conspiracy to Commit Homicide – Attempted Murder
750.91[S]	MCL 750.91	Solicitation to Commit Homicide – Attempted Murder
<b>750.110A2</b>	<b>MCL 750.110a(2)*</b>	<b>Home Invasion – 1st Degree</b> <ul style="list-style-type: none"> <li>• <b>If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</b></li> </ul>
750.110A2[A]	MCL 750.110a(2)*	Attempt to Commit Home Invasion – 1st Degree <ul style="list-style-type: none"> <li>• If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</li> </ul>
750.110A2[C]	MCL 750.110a(2)*	Conspiracy to Commit Home Invasion – 1st Degree <ul style="list-style-type: none"> <li>• If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</li> </ul>
750.110A2[S]	MCL 750.110a(2)*	Solicitation to Commit Home Invasion – 1st Degree <ul style="list-style-type: none"> <li>• If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</li> </ul>
<b>750.186A</b>	<b>MCL 750.186a</b>	<b>Escape – Juvenile Facility</b> <ul style="list-style-type: none"> <li>• <b>If the juvenile facility was a high-security or medium security facility operated by the department or a county juvenile agency; or a high-security facility operated by a private agency under contract with the department or a county juvenile agency. MCL 712A.2(a)(1)(C)</b></li> </ul>

750.186A[A]	MCL 750.186a	Attempt to Commit Escape – Juvenile Facility <ul style="list-style-type: none"> <li>If the juvenile facility was a high-security or medium security facility operated by the department or a county juvenile agency; or a high-security facility operated by a private agency under contract with the department or a county juvenile agency. MCL 712A.2(a)(1)(C)</li> </ul>
750.186A[C]	MCL 750.186a	Conspiracy to Commit Escape – Juvenile Facility <ul style="list-style-type: none"> <li>If the juvenile facility was a high-security or medium security facility operated by the department or a county juvenile agency; or a high-security facility operated by a private agency under contract with the department or a county juvenile agency. MCL 712A.2(a)(1)(C)</li> </ul>
750.186A[S]	MCL 750.186a	Solicitation to Commit Escape – Juvenile Facility <ul style="list-style-type: none"> <li>If the juvenile facility was a high-security or medium security facility operated by the department or a county juvenile agency; or a high-security facility operated by a private agency under contract with the department or a county juvenile agency. MCL 712A.2(a)(1)(C)</li> </ul>
<b>750.316</b>	<b>MCL 750.316</b>	<b>Homicide – First Degree Murder – Multiple Theories</b>
750.316[A]	MCL 750.316	Attempt to Commit Homicide – First Degree Murder – Multiple Theories
750.316[C]	MCL 750.316	Conspiracy to Commit Homicide – First Degree Murder – Multiple Theories
750.316[S]	MCL 750.316	Solicitation to Commit Homicide – First Degree Murder – Multiple Theories
<b>750.316-J</b>	<b>MCL 750.316</b>	<b>Homicide – First Degree Murder – Multiple Theories – Juvenile Defendant</b>
750.316-J[A]	MCL 750.316	Attempt to Commit Homicide – First Degree Murder – Multiple Theories – Juvenile Defendant
750.316-J[C]	MCL 750.316	Conspiracy to Commit Homicide – First Degree Murder – Multiple Theories – Juvenile Defendant
750.316-J[S]	MCL 750.316	Solicitation to Commit Homicide – First Degree Murder – Multiple Theories – Juvenile Defendant
<b>750.316-A</b>	<b>MCL 750.316(1)(a)</b>	<b>Homicide – Murder First Degree - Premeditated</b>
750.316-A[A]	MCL 750.316(1)(a)	Attempt to Commit Homicide – Murder First Degree - Premeditated
750.316-A[C]	MCL 750.316(1)(a)	Conspiracy to Commit Homicide – Murder First Degree - Premeditated
750.316-A[S]	MCL 750.316(1)(a)	Solicitation to Commit Homicide – Murder First Degree - Premeditated

<b>750.316-AJ</b>	<b>MCL 750.316(1)(a)</b>	<b>Homicide – Murder First Degree – Premeditated – Juvenile Defendant</b>
750.316-AJ[A]	MCL 750.316(1)(a)	Attempt to Commit Homicide – Murder First Degree – Premeditated – Juvenile Defendant
750.316-AJ[C]	MCL 750.316(1)(a)	Conspiracy to Commit Homicide – Murder First Degree – Premeditated – Juvenile Defendant
750.316-AJ[S]	MCL 750.316(1)(a)	Solicitation to Commit Homicide – Murder First Degree – Premeditated – Juvenile Defendant
<b>750.316-B</b>	<b>MCL 750.316(1)(b)</b>	<b>Homicide – Felony Murder</b>
750.316-B[A]	MCL 750.316(1)(b)	Attempt to Commit Homicide – Felony Murder
750.316-B[C]	MCL 750.316(1)(b)	Conspiracy to Commit Homicide – Felony Murder
750.316-B[S]	MCL 750.316(1)(b)	Solicitation to Commit Homicide – Felony Murder
<b>750.316-BJ</b>	<b>MCL 750.316(1)(b)</b>	<b>Homicide – Felony Murder – Juvenile Defendant</b>
750.316-BJ[A]	MCL 750.316(1)(b)	Attempt to Commit Homicide – Felony Murder – Juvenile Defendant
750.316-BJ[C]	MCL 750.316(1)(b)	Conspiracy to Commit Homicide – Felony Murder – Juvenile Defendant
750.316-BJ[S]	MCL 750.316(1)(b)	Solicitation to Commit Homicide – Felony Murder – Juvenile Defendant
<b>750.316-C</b>	<b>MCL 750.316</b>	<b>Homicide – Open Murder</b>
750.316-C[A]	MCL 750.316	Attempt to Commit Homicide – Open Murder
750.316-C[C]	MCL 750.316	Conspiracy to Commit Homicide – Open Murder
750.316-C[S]	MCL 750.316	Solicitation to Commit Homicide – Open Murder
<b>750.316-D</b>	<b>MCL 750.316(1)(c)</b>	<b>Homicide – Murder of Peace/Corrections Officer</b>
750.316-D[A]	MCL 750.316(1)(c)	Attempt to Commit Homicide – Murder of Peace/Corrections Officer
750.316-D[C]	MCL 750.316(1)(c)	Conspiracy to Commit Homicide – Murder of Peace/Corrections Officer
750.316-D[S]	MCL 750.316(1)(c)	Solicitation to Commit Homicide – Murder of Peace/Corrections Officer
<b>750.316-DJ</b>	<b>MCL 750.316(1)(c)</b>	<b>Homicide – Murder of Peace/Corrections Office – Juvenile Defendant</b>
750.316-DJ[A]	MCL 750.316(1)(c)	Attempt to Commit Homicide – Murder of Peace/Corrections Office – Juvenile Defendant
750.316-DJ[C]	MCL 750.316(1)(c)	Conspiracy to Commit Homicide – Murder of Peace/Corrections Office – Juvenile Defendant

750.316-DJ[S]	MCL 750.316(1)(c)	Solicitation to Commit Homicide – Murder of Peace/Corrections Office – Juvenile Defendant
<b>750.317</b>	<b>MCL 750.317</b>	<b>Homicide – Murder – 2<sup>nd</sup> Degree</b>
750.317[A]	MCL 750.317	Attempt Homicide – Murder – 2 <sup>nd</sup> Degree
750.317[C]	MCL 750.317	Conspiracy Homicide – Murder – 2 <sup>nd</sup> Degree
750.317[S]	MCL 750.317	Solicitation Homicide – Murder – 2 <sup>nd</sup> Degree
<b>750.349</b>	<b>MCL 750.349</b>	<b>Kidnapping</b>
750.349[A]	MCL 750.349	Attempt to Commit Kidnapping
750.349[C]	MCL 750.349	Conspiracy to Commit Kidnapping
750.349[S]	MCL 750.349	Solicitation to Commit Kidnapping
<b>750.520B</b>	<b>MCL 750.520b</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> degree (Multiple Variables)</b>
750.520B[A]	MCL 750.520b	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> degree (Multiple Variables)
750.520B[C]	MCL 750.520b	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> degree (Multiple Variables)
750.520B[S]	MCL 750.520b	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> degree (Multiple Variables)
<b>750.520B1A</b>	<b>MCL 750.520b(1)(a)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree (Person Under Thirteen)</b>
750.520B1A[A]	MCL 750.520b(1)(a)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Person Under Thirteen)
750.520B1A[C]	MCL 750.520b(1)(a)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Person Under Thirteen)
750.520B1A[S]	MCL 750.520b(1)(a)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Person Under Thirteen)
<b>750.520B1B</b>	<b>MCL 750.520b(1)(b)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree (Relationship)</b>
750.520B1B[A]	MCL 750.520b(1)(b)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Relationship)
750.520B1B[C]	MCL 750.520b(1)(b)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Relationship)
750.520B1B[S]	MCL 750.520b(1)(b)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Relationship)
<b>750.520B1C</b>	<b>MCL 750.520b(1)(c)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree (During Felony)</b>
750.520B1C[A]	MCL 750.520b(1)(c)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (During Felony)
750.520B1C[C]	MCL 750.520b(1)(c)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (During Felony)
750.520B1C[S]	MCL 750.520b(1)(c)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (During Felony)

<b>750.520B1D</b>	<b>MCL 750.520b(1)(d)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree (Accomplices)</b>
750.520B1D[A]	MCL 750.520b(1)(d)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Accomplices)
750.520B1D[C]	MCL 750.520b(1)(d)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Accomplices)
750.520B1D[S]	MCL 750.520b(1)(d)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Accomplices)
<b>750.520B1E</b>	<b>MCL 750.520b(1)(e)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree (Weapon Used)</b>
750.520B1E[A]	MCL 750.520b(1)(e)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Weapon Used)
750.520B1E[C]	MCL 750.520b(1)(e)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Weapon Used)
750.520B1E[S]	MCL 750.520b(1)(e)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Weapon Used)
<b>750.520B1F</b>	<b>MCL 750.520b(1)(f)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree (Personal Injury)</b>
750.520B1F[A]	MCL 750.520b(1)(f)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Personal Injury)
750.520B1F[C]	MCL 750.520b(1)(f)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Personal Injury)
750.520B1F[S]	MCL 750.520b(1)(f)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Personal Injury)
<b>750.520B1G</b>	<b>MCL 750.520b(1)(g)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree (Injury to Incapacitated Victim)</b>
750.520B1G[A]	MCL 750.520b(1)(g)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Injury to Incapacitated Victim)
750.520B1G[C]	MCL 750.520b(1)(g)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Injury to Incapacitated Victim)
750.520B1G[S]	MCL 750.520b(1)(g)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Injury to Incapacitated Victim)
<b>750.520B1H</b>	<b>MCL 750.520b(1)(h)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree (Mentally Disabled – Relationship)</b>
750.520B1H[A]	MCL 750.520b(1)(h)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Mentally Disabled – Relationship)
750.520B1H[C]	MCL 750.520b(1)(h)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Mentally Disabled – Relationship)
750.520B1H[S]	MCL 750.520b(1)(h)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Mentally Disabled – Relationship)
<b>750.520B2B</b>	<b>MCL 750.520b(2)(b)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree – Person Under Thirteen – Defendant 17 Years of Age or Older</b>



750.520B2B[A]	MCL 750.520b(2)(b)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree – Person Under Thirteen – Defendant 17 Years of Age or Older
750.520B2B[C]	MCL 750.520b(2)(b)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree – Person Under Thirteen – Defendant 17 Years of Age or Older
750.520B2B[S]	MCL 750.520b(2)(b)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree – Person Under Thirteen – Defendant 17 Years of Age or Older
<b>750.520B2C</b>	<b>MCL 750.520b(2)(c)</b>	<b>Criminal Sexual Conduct – 1<sup>st</sup> Degree (Person Under Thirteen, Defendant 18 Years of Age or Older) – Second Offense Notice</b>
750.520B2C[A]	MCL 750.520b(2)(c)	Attempt to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Person Under Thirteen, Defendant 18 Years of Age or Older) – Second Offense Notice
750.520B2C[C]	MCL 750.520b(2)(c)	Conspiracy to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Person Under Thirteen, Defendant 18 Years of Age or Older) – Second Offense Notice
750.520B2C[S]	MCL 750.520b(2)(c)	Solicitation to Commit Criminal Sexual Conduct – 1 <sup>st</sup> Degree (Person Under Thirteen, Defendant 18 Years of Age or Older) – Second Offense Notice
<b>750.529</b>	<b>MCL 750.529</b>	<b>Robbery – Armed</b>
750.529[A]	MCL 750.529	Attempt to Commit Robbery – Armed
750.529[C]	MCL 750.529	Conspiracy to Commit Robbery – Armed
750.529[S]	MCL 750.529	Solicitation to Commit Robbery – Armed
<b>750.529-A</b>	<b>MCL 750.529</b>	<b>Robbery – Armed – Serious Injury</b>
750.529-A[A]	MCL 750.529	Attempt to Commit Robbery – Armed – Serious Injury
750.529-A[C]	MCL 750.529	Conspiracy to Commit Robbery – Armed – Serious Injury
750.529-A[S]	MCL 750.529	Solicitation to Commit Robbery – Armed – Serious Injury
<b>750.529A</b>	<b>MCL 750.529a</b>	<b>Carjacking</b>
750.529A[A]	MCL 750.529a	Attempt to Commit Carjacking
750.529A[C]	MCL 750.529a	Conspiracy to Commit Carjacking
750.529A[S]	MCL 750.529a	Solicitation to Commit Carjacking
<b>750.531-A</b>	<b>MCL 750.531</b>	<b>Bank Robbery</b>
750.531-A[A]	MCL 750.531	Attempt to Commit Bank Robbery
750.531-A[C]	MCL 750.531	Conspiracy to Commit Bank Robbery
750.531-A[S]	MCL 750.531	Solicitation to Commit Bank Robbery
<b>750.531-B</b>	<b>MCL 750.531</b>	<b>Safe Breaking</b>
750.531-B[A]	MCL 750.531	Attempt to Commit Safe Breaking
750.531-B[C]	MCL 750.531	Conspiracy to Commit Safe Breaking
750.531-B[S]	MCL 750.531	Solicitation to Commit Safe Breaking
<b>333.74012A1</b>	<b>MCL 333.7401(2)(a)(i)</b>	<b>Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) 1000 or More Grams</b>

333.74012A1[A]	MCL 333.7401(2)(a)(i)	Attempt to Commit Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) 1000 or More Grams
333.74012A1[C]	MCL 333.7401(2)(a)(i)	Conspiracy to Commit Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) 1000 or More Grams
333.74012A1[S]	MCL 333.7401(2)(a)(i)	Solicitation to Commit Controlled Substance – Delivery/Manufacture (Cocaine, Heroin or Another Narcotic) 1000 or More Grams
<b>333.74032A1</b>	<b>MCL 333.7403(2)(a)(i)</b>	<b>Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 1000 or More Grams</b>
333.74032A1[A]	MCL 333.7403(2)(a)(i)	Attempt to Commit Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 1000 or More Grams
333.74032A1[C]	MCL 333.7403(2)(a)(i)	Conspiracy to Commit Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 1000 or More Grams
333.74032A1[S]	MCL 333.7403(2)(a)(i)	Solicitation to Commit Controlled Substance – Possession (Cocaine, Heroin or Another Narcotic) 1000 or More Grams
N/A	N/A	Any other offense arising out of the same transaction as a specified juvenile violation, if the juvenile is charged with a specified juvenile violation. MCL 712A.2(a)(1)(I).

\*Under MCL 712A.2(a)(1)(B), “dangerous weapon” means 1 or more of the following:

- i. A loaded or unloaded firearm, whether operable or inoperable.
- ii. A knife, stabbing instrument, brass knuckles, blackjack, club, or other object specifically designed or customarily carried or possessed for use as a weapon.
- iii. An object that is likely to cause death or bodily injury when used as a weapon and that is used as a weapon or carried or possessed for use as a weapon.
- iv. An object or device that is used or fashioned in a manner to lead a person to believe the object or device described in subparagraphs (i) to (iii).

## APPENDIX C

### Lesser Included Offenses

A lesser included offense of a specified juvenile violation, if the juvenile is charged with a specified juvenile violation, is **not** eligible for an automatic juvenile set aside. MCL 712A.18t(2). This table identifies certain specified juvenile violations (written in bold and shaded in gray) and lists the lesser-included offenses immediately underneath the specified juvenile violation. These lesser-included offenses are only ineligible for a set aside **if** the juvenile was originally charged with the specified juvenile violation.

<b>PACC Code</b>	<b>Statute Cite</b>	<b>Offense</b>
<b>750.89</b>	<b>MCL 750.89</b>	<b>Assault with Intent to Rob While Armed</b>
750.88	MCL 750.88	Assault with Intent to Rob While Unarmed
<b>750.110A2</b>	<b>MCL 750.110a(2)</b>	<b>Home Invasion – 1st Degree</b> <ul style="list-style-type: none"> <li>• <b>If armed with a dangerous weapon. MCL 712A.2(a)(1)(B)</b></li> </ul>
750.110A3	MCL 750.110a(3)	Home Invasion – 2 <sup>nd</sup> Degree
750.110A4	MCL 750.110a(4)	Home Invasion – 3 <sup>rd</sup> Degree
750.115-A	MCL 750.115	Breaking & Entering – Illegal Entry (Without Owner’s Permission)
<b>750.529</b>	<b>MCL 750.529</b>	<b>Robbery – Armed</b>
750.530	MCL 750.530	Robbery – Unarmed