

Order

Michigan Supreme Court
Lansing, Michigan

December 29, 2021

Bridget M. McCormack,
Chief Justice

ADM File No. 2021-47

Amendment of Rule 3.950
of the Michigan Court
Rules

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

On order of the Court, this is to advise that the amendment of Rule 3.950 of the Michigan Court Rules is adopted, effective immediately. Concurrently, individuals are invited to comment on the form or the merits of the amendments during the usual comment period. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for public hearing are posted at the [Public Administrative Hearings](#) page.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 3.950 Waiver of Jurisdiction

(A)-(D) [Unchanged.]

(E) Grant of Waiver Motion.

(1) [Unchanged.]

(2) Upon the grant of a waiver motion, a juvenile must be transferred to the adult criminal justice system and is subject to the same procedures used for adult criminal defendants. Juveniles waived pursuant to this rule are ~~not~~ required to be kept separate and apart from adult prisoners as required by MCL 764.27a.

(F)-(G) [Unchanged.]

Staff Comment: In response to a request from the ACLU, MCR 3.950 is amended to make the rule consistent with MCL 764.27a by requiring juvenile offenders who are waived into the adult criminal justice system under MCL 712A.4 to be kept separate and apart from adult prisoners.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by April 1, 2022 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2021-47. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 29, 2021

A handwritten signature in black ink, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk