

SENATE BILL No. 832

March 25, 1992, Introduced by Senators WELBORN and DE GROW
and referred to the Committee on Judiciary.

A bill to amend section 13 of chapter VI of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," being section 766.13 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 13 of chapter VI of Act No. 175 of the
2 Public Acts of 1927, being section 766.13 of the Michigan
3 Compiled Laws, is amended to read as follows:

CHAPTER VI

5 Sec. 13. (1) If ~~it shall appear to the magistrate at the~~
6 conclusion of the preliminary examination ~~either~~ THE COURT
7 FINDS that THERE IS NOT PROBABLE CAUSE TO BELIEVE THAT an offense
8 has ~~not~~ been committed or that there is not probable cause ~~for~~
9 ~~charging~~ TO BELIEVE THAT the defendant ~~therewith, he~~ COMMITTED

1 THAT OFFENSE, THE COURT shall discharge ~~such~~ THE defendant.

2 ~~If it shall appear to the magistrate~~

3 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), IF at the conclu-
4 sion of the preliminary examination THE COURT FINDS that
5 ~~a felony~~ THERE IS PROBABLE CAUSE TO BELIEVE THAT AN OFFENSE has
6 been committed and THAT there is probable cause ~~for charging~~ TO
7 BELIEVE THAT the defendant ~~therewith, the magistrate shall~~
8 ~~forthwith~~ COMMITTED THAT OFFENSE, THE COURT SHALL IMMEDIATELY
9 bind the defendant to appear before the circuit court of ~~such~~
10 THAT county, or ~~other~~ BEFORE THE court having jurisdiction of
11 the ~~cause~~ OFFENSE, for trial.

12 (3) IF BEFORE THE INFORMATION IS FILED IN CIRCUIT COURT THE
13 DEFENDANT WISHES TO ENTER A PLEA OF GUILTY, NOLO CONTENDERE, OR
14 GUILTY BUT MENTALLY ILL TO THE OFFENSE, THE COURT MAY ACCEPT THE
15 PLEA AND SENTENCE THE DEFENDANT AS PROVIDED BY LAW. IF THE COURT
16 HAS BOUND THE DEFENDANT TO APPEAR BEFORE THE CIRCUIT COURT, AND
17 THE COURT ACCEPTS THE DEFENDANT'S PLEA PURSUANT TO THIS SUBSEC-
18 TION, THE COURT SHALL RESCIND THE ORDER BINDING THE DEFENDANT TO
19 APPEAR BEFORE THE CIRCUIT COURT.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No.833

22 of the 86th Legislature is enacted into law.

23 Section 3. This amendatory act shall take effect upon the
24 expiration of 1 year after the date of its enactment.