



HOUSE BILL No. 5892

November 10, 1994 Introduced by Reps Galloway Llewellyn Hammerstrom Gustafson Vorva, McNutt London Bodem McManus Crissman Gernaat Rhead, Kukuk Hill McBryde Stille, Fitzgerald Jersevic LeTarte and Dalman and referred to the Committee on Judiciary

A bill to amend section 1f of chapter IV and section 14 of chapter VI of Act No 175 of the Public Acts of 1927, entitled as amended

The code of criminal procedure
as amended by Act No 195 of the Public Acts of 1994 being sections 764 1f and 766 14 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 1f of chapter IV and section 14 of chap-
2 ter VI of Act No 175 of the Public Acts of 1927, as amended by
3 Act No 195 of the Public Acts of 1994, being sections 764 1f and
4 766 14 of the Michigan Compiled Laws, are amended to read as
5 follows

CHAPTER IV

1

2 Sec 1f If the prosecuting attorney has reason to believe
3 that a juvenile 15 years of age or older but less than 17 years
4 of age has violated ~~section~~ ANY OF THE FOLLOWING, THE PROSECUT-
5 ING ATTORNEY MAY AUTHORIZE THE FILING OF A COMPLAINT AND WARRANT
6 ON THE CHARGE WITH A MAGISTRATE CONCERNING THE JUVENILE

7 (A) SECTION 83, 89, 91 316 317 520b, 529 or 529a of the
8 Michigan penal code Act No 328 of the Public Acts of 1931
9 being sections 750 83 750 89, 750 91, 750 316, 750 317,
10 750 520b 750 529 and 750 529a of the Michigan Compiled Laws —
11 ~~or section~~

12 (B) SECTION 7401(2)(a)(1) or 7403(2)(a)(1) of the public
13 health code Act No 368 of the Public Acts of 1978, being sec-
14 tions 333 7401 and 333 7403 of the Michigan Compiled Laws ~~, the~~
15 ~~prosecuting attorney may authorize the filing of a complaint and~~
16 ~~warrant on the charge with a magistrate concerning the juvenile~~

17 (C) SECTION 84 110A(2) OR 349 OF ACT NO 328 OF THE PUBLIC
18 ACTS OF 1931 BEING SECTIONS 750 84, 750 110A AND 750 349 OF THE
19 MICHIGAN COMPILED LAWS IF THE JUVENILE IS ARMED WITH A DANGEROUS
20 WEAPON AS USED IN THIS SECTION DANGEROUS WEAPON MEANS 1 OR
21 MORE OF THE FOLLOWING

22 (1) A LOADED OR UNLOADED FIREARM WHETHER OPERABLE OR
23 INOPERABLE

24 (2) A KNIFE STABBING INSTRUMENT BRASS KNUCKLES BLACK-
25 JACK CLUB OR OTHER OBJECT SPECIFICALLY DESIGNED OR CUSTOMARILY
26 CARRIED OR POSSESSED FOR USE AS A WEAPON

1 (iii) AN OBJECT THAT IS LIKELY TO CAUSE DEATH OR BODILY
 2 INJURY WHEN USED AS A WEAPON AND THAT IS USED AS A WEAPON OR
 3 CARRIED OR POSSESSED FOR USE AS A WEAPON

4 (iv) AN OBJECT OR DEVICE THAT IS USED OR FASHIONED IN A
 5 MANNER TO LEAD A PERSON TO BELIEVE THE OBJECT OR DEVICE IS AN
 6 OBJECT OR DEVICE DESCRIBED IN SUBPARAGRAPHS (i) TO (iii)

7

CHAPTER VI

8 Sec 14 (1) If the court determines at the conclusion of
 9 the preliminary examination of a person charged with a felony
 10 that the offense charged is not a felony or that an included
 11 offense that is not a felony has been committed the accused
 12 shall not be dismissed but the magistrate shall proceed in the
 13 same manner as if the accused had initially been charged with an
 14 offense that is not a felony

15 (2) If at the conclusion of the preliminary examination of a
 16 juvenile the magistrate finds that a violation of ~~section 83-~~
 17 ~~89-91-316-317-520b-529 or 529a of the Michigan penal code-~~
 18 ~~Act No 328 of the Public Acts of 1931 being sections 750-83-~~
 19 ~~750-89, 750-91-750-316, 750-317, 750-520b, 750-529, and 750-529a~~
 20 ~~of the Michigan Compiled Laws, or section 7401(2)(a)(i) or~~
 21 ~~7403(2)(a)(i) of the public health code Act No 368 of the~~
 22 ~~Public Acts of 1978, being sections 333-7401 and 333-7403 of the~~
 23 ~~Michigan Compiled Laws,~~ ANY OF THE FOLLOWING did not occur or
 24 that there is not probable cause to believe that the juvenile
 25 committed the violation, but that there is probable cause to
 26 believe that some other offense occurred and that the juvenile
 27 committed that other offense the magistrate shall transfer the

1 case to the juvenile division of the probate court of the county
2 where the offense is alleged to have been committed —

3 (A) SECTION 83 89 91 316 317 520B 529 OR 529A OF THE
4 MICHIGAN PENAL CODE ACT NO 328 OF THE PUBLIC ACTS OF 1931,
5 BEING SECTIONS 750 83 750 89 750 91, 750 316 750 317,
6 750 520B 750 529 AND 750 529A OF THE MICHIGAN COMPILED LAWS

7 (B) SECTION 7401(2)(A)(1) OR 7403(2)(A)(1) OF THE PUBLIC
8 HEALTH CODE ACT NO 368 OF THE PUBLIC ACTS OF 1978 BEING SEC-
9 TIONS 333 7401 AND 333 7403 OF THE MICHIGAN COMPILED LAWS

10 (C) SECTION 84 110A(2) OR 349 OF ACT NO 328 OF THE PUBLIC
11 ACTS OF 1931 BEING SECTIONS 750 84, 750 110A AND 750 349 OF THE
12 MICHIGAN COMPILED LAWS IF THE JUVENILE IS ARMED WITH A DANGEROUS
13 WEAPON AS USED IN THIS SECTION, DANGEROUS WEAPON MEANS 1 OR
14 MORE OF THE FOLLOWING

15 (1) A LOADED OR UNLOADED FIREARM, WHETHER OPERABLE OR
16 INOPERABLE

17 (11) A KNIFE STABBING INSTRUMENT BRASS KNUCKLES BLACK-
18 JACK CLUB, OR OTHER OBJECT SPECIFICALLY DESIGNED OR CUSTOMARILY
19 CARRIED OR POSSESSED FOR USE AS A WEAPON

20 (111) AN OBJECT THAT IS LIKELY TO CAUSE DEATH OR BODILY
21 INJURY WHEN USED AS A WEAPON AND THAT IS USED AS A WEAPON OR CAR-
22 RIED OR POSSESSED FOR USE AS A WEAPON

23 (1v) AN OBJECT OR DEVICE THAT IS USED OR FASHIONED IN A
24 MANNER TO LEAD A PERSON TO BELIEVE THE OBJECT OR DEVICE IS AN
25 OBJECT OR DEVICE DESCRIBED IN SUBPARAGRAPHS (1) TO (111)

26 (3) A transfer under ~~this~~ subsection (2) does not prevent
27 the juvenile division of the probate court from waiving

1 jurisdiction over the juvenile under section 4 of chapter XIIA or
 2 Act No 288 of the Public Acts of 1939 being section 712A 4 or
 3 the Michigan Compiled Laws

4 Section 2 This amendatory act shall not take effect unless
 5 all of the following bills of the 87th Legislature are enacted
 6 into law

7 (a) Senate Bill No _____ or House Bill No 5890 (request
 8 no 06609 94)

9 (b) Senate Bill No _____ or House Bill No 5891 (request
 10 no 06609 94 a)

11 (c) Senate Bill No _____ or House Bill No 5895 (request
 12 no 06609 94 b)

13 (d) Senate Bill No _____ or House Bill No 5893 (request
 14 no 06609 94 d)

15 (e) Senate Bill No _____ or House Bill No 5894 (request
 16 no 06609 94 e)