



SENATE BILL No. 282

January 28, 1993, Introduced by Senator BOUCHARD and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 15 of chapter II, sections 1f and 27 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,"

section 1f of chapter IV as added and section 27 of chapter IV and section 14 of chapter VI as amended by Act No. 67 of the Public Acts of 1988, being sections 762.15, 764.1f, 764.27, and 766.14 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15 of chapter II, sections 1f and 27 of
2 chapter IV, and section 14 of chapter VI of Act No. 175 of the
3 Public Acts of 1927, section 1f of chapter IV as added and sec-
4 tion 27 of chapter IV and section 14 of chapter VI as amended by
5 Act No. 67 of the Public Acts of 1988, being sections 762.15,

1 764.1f, 764.27, and 766.14 of the Michigan Compiled Laws, are
2 amended to read as follows:

3 CHAPTER II

4 Sec. 15. The provisions of this chapter may also be
5 applied to a youth ~~over the age of 15~~ 14 years OF AGE OR OLDER
6 whose jurisdiction has been waived under the provisions of sec-
7 tion 27 of chapter ~~4 of this act~~ IV.

8 CHAPTER IV

9 Sec. 1f. If the prosecuting attorney has reason to believe
10 that a juvenile ~~15~~ 14 years of age and less than 17 years of
11 age has violated section 83, 89, 91, 316, 317, 520b, or 529 of
12 the Michigan penal code, Act No. 328 of the Public Acts of 1931,
13 being sections 750.83, 750.89, 750.91, 750.316, 750.317,
14 750.520b, and 750.529 of the Michigan Compiled Laws; ~~or~~ section
15 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, Act
16 No. 368 of the Public Acts of 1978, being sections 333.7401 and
17 333.7403 of the Michigan Compiled Laws; OR ANOTHER LAW OF THIS
18 STATE, THE VIOLATION OF WHICH MAY BE PUNISHED BY LIFE
19 IMPRISONMENT, the prosecuting attorney may authorize the filing
20 of a complaint and warrant on the charge with a magistrate con-
21 cerning the juvenile.

22 Sec. 27. Except as otherwise provided in section 606 of the
23 revised judicature act of 1961, Act No. 236 of the Public Acts of
24 1961, being section 600.606 of the Michigan Compiled Laws, or
25 section 10a(1)(c) of Act No. 369 of the Public Acts of 1919,
26 being section 725.10a of the Michigan Compiled Laws, if a child
27 under 17 years of age is arrested, with or without a warrant, the

1 child shall be taken immediately before the juvenile division of
2 the probate court of the county where the offense is alleged to
3 have been committed, and the officer making the arrest shall
4 immediately make and file, or cause to be made and filed, a peti-
5 tion against the child as provided in chapter XIIIA of Act No.
6 288 of the Public Acts of 1939, as amended, being sections 712A.1
7 to 712A.28 of the Michigan Compiled Laws. Except as otherwise
8 provided in section 606 of Act No. 236 of the Public Acts of 1961
9 ~~, being section 600.606 of the Michigan Compiled Laws,~~ or sec-
10 tion 10a(1)(c) of Act No. 369 of the Public Acts of 1919, ~~being~~
11 ~~section 725.10a of the Michigan Compiled Laws,~~ if during the
12 pendency of a criminal case against a child in a court in this
13 state it is ascertained that the child is under 17 years of age,
14 the court shall immediately transfer the case, together with all
15 papers connected with the case, to the juvenile division of the
16 probate court of the county where the offense is alleged to have
17 been committed. If a child ~~15~~ 14 years of age or older is
18 charged with a felony, the judge of probate, after investigation
19 and examination and upon motion of the prosecuting attorney, may
20 waive jurisdiction under section 4 of chapter XIIIA of Act No. 288
21 of the Public Acts of 1939, being section 712A.4 of the Michigan
22 Compiled Laws. If jurisdiction is waived, it ~~shall be~~ IS
23 lawful to try the child in the court having general criminal
24 jurisdiction of the offense. If during the pendency of a crimi-
25 nal case against a child in a court of record other than a pro-
26 bate court it is determined that the child is 17 years of age,
27 then, ~~the court~~ if the court finds that any of the conditions

1 exist as outlined in section 2(d) of chapter XIIIA of Act No. 288
2 of the Public Acts of 1939, as amended, being section 712A.2 of
3 the Michigan Compiled Laws, AND upon motion of the prosecuting
4 attorney, the child, or his or her representative, THE COURT may
5 transfer the case together with all papers connected with the
6 case to the juvenile division of the probate court of the county
7 where the offense is alleged to have been committed.

8 CHAPTER VI

9 Sec. 14. (1) If, at the conclusion of the preliminary exam-
10 ination of a person charged with a felony, it appears that the
11 offense charged is not a felony or that an included offense
12 ~~which~~ THAT is not a felony has been committed, the accused
13 shall not be dismissed, but the magistrate shall proceed in the
14 same manner as if the accused had initially been charged with an
15 offense ~~which~~ THAT is not a felony.

16 (2) If, at the conclusion of the preliminary examination of
17 a juvenile, the magistrate finds that a violation of section 83,
18 89, 91, 316, 317, 520b, or 529 of the Michigan penal code, Act
19 No. 328 of the Public Acts of 1931, being sections 750.83,
20 750.89, 750.91, 750.316, 750.317, 750.520b, and 750.529 of the
21 Michigan Compiled Laws; ~~or~~ section 7401(2)(a)(i) or
22 7403(2)(a)(i) of the public health code, Act No. 368 of the
23 Public Acts of 1978, being sections 333.7401 and 333.7403 of the
24 Michigan Compiled Laws; OR ANOTHER LAW OF THIS STATE, THE VIOLA-
25 TION OF WHICH MAY BE PUNISHED BY LIFE IMPRISONMENT, did not occur
26 or that there is not probable cause to believe that the juvenile
27 committed the violation, but that there is probable cause to

1 believe that some other offense occurred and that the juvenile
2 committed that other offense, the magistrate shall transfer the
3 case to the juvenile division of the probate court of the county
4 where the offense is alleged to have been committed. A transfer
5 under this subsection ~~shall~~ DOES not prevent the juvenile divi-
6 sion of the probate court from waiving jurisdiction over the
7 juvenile under section 4 of chapter XIIIA of Act No. 288 of the
8 Public Acts of 1939, being section 712A.4 of the Michigan
9 Compiled Laws.

10 Section 2. This amendatory act shall not take effect unless
11 Senate Bill No. 279

12 of the 87th Legislature is enacted into law.