



# SENATE BILL No. 674

June 2, 1993, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend section 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,"

as amended by Act No. 67 of the Public Acts of 1988, being sections 764.27 and 766.14 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 27 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. 67 of the Public Acts of 1988, being sections 764.27 and  
4       766.14 of the Michigan Compiled Laws, are amended to read as  
5       follows:

## CHAPTER IV

1  
2       Sec. 27. Except as otherwise provided in section 606 of the  
3 revised judicature act of 1961, Act No. 236 of the Public Acts of  
4 1961, being section 600.606 of the Michigan Compiled Laws, or  
5 section 10a(1)(c) OR (D) OR (2) of Act No. 369 of the Public Acts  
6 of 1919, being section 725.10a of the Michigan Compiled Laws, if  
7 a child under 17 years of age is arrested, with or without a war-  
8 rant, the child shall be taken immediately before the juvenile  
9 division of the probate court of the county where the offense is  
10 alleged to have been committed, and the officer making the arrest  
11 shall immediately make and file, or cause to be made and filed, a  
12 petition against the child as provided in chapter XIIIA of Act  
13 No. 288 of the Public Acts of 1939, as amended, being sections  
14 712A.1 to 712A.28 of the Michigan Compiled Laws. Except as oth-  
15 erwise provided in section 606 of Act No. 236 of the Public Acts  
16 of 1961 ~~—, being section 600.606 of the Michigan Compiled Laws~~  
17 ~~—, or~~ section 10a(1)(c) OR (D) OR (2) of Act No. 369 of the  
18 Public Acts of 1919 ~~—, being section 725.10a of the Michigan~~  
19 ~~Compiled Laws,~~ if during the pendency of a criminal case against  
20 a child in a court in this state ~~—it is ascertained—~~ THE COURT  
21 DETERMINES that the child is under 17 years of age, the court  
22 shall immediately transfer the case, together with all papers  
23 connected with the case, to the juvenile division of the probate  
24 court of the county where the offense is alleged to have been  
25 committed. If a child 15 years of age or older is charged with a  
26 felony, the PROBATE judge, ~~—of probate,~~ after investigation and  
27 examination and upon motion of the prosecuting attorney, may

1 waive jurisdiction under section 4 of chapter XIIA of Act No. 288  
 2 of the Public Acts of 1939, being section 712A.4 of the Michigan  
 3 Compiled Laws. If jurisdiction is waived, it ~~shall be~~ IS  
 4 lawful to try the child in the court having general criminal  
 5 jurisdiction of the offense. If during the pendency of a crimi-  
 6 nal case against a child in a court of record other than a pro-  
 7 bate court ~~it is determined~~ THE COURT DETERMINES that the child  
 8 is 17 years of age ~~, then the court if the court finds~~ AND that  
 9 any of the conditions exist as ~~outlined~~ SET FORTH in section  
 10 2(d) of chapter XIIA of Act No. 288 of the Public Acts of 1939,  
 11 as amended, being section 712A.2 of the Michigan Compiled Laws,  
 12 ~~upon motion of the prosecuting attorney, the child, or his or~~  
 13 ~~her representative,~~ THE COURT may transfer the case together  
 14 with all papers connected with the case to the juvenile division  
 15 of the probate court of the county where the offense is alleged  
 16 to have been committed UPON MOTION OF THE PROSECUTING ATTORNEY,  
 17 THE CHILD, OR THE CHILD'S REPRESENTATIVE.

#### 18 CHAPTER VI

19 Sec. 14. (1) If at the conclusion of the preliminary exami-  
 20 nation of a person charged with a felony ~~it appears that~~ THE  
 21 COURT DETERMINES the offense charged is not a felony or that an  
 22 included offense ~~which~~ THAT is not a felony has been committed,  
 23 the accused shall not be dismissed but the magistrate shall pro-  
 24 ceed in the same manner as if the accused had initially been  
 25 charged with an offense ~~which~~ THAT is not a felony.

26 (2) If at the conclusion of the preliminary examination of a  
 27 juvenile the magistrate finds that a violation of section 83, 89,

1 91, 316, 317, 520b, or 529 of the Michigan penal code, Act  
2 No. 328 of the Public Acts of 1931, being sections 750.83,  
3 750.89, 750.91, 750.316, 750.317, 750.520b, and 750.529 of the  
4 Michigan Compiled Laws, or section 7401(2)(a)(i) or 7403(2)(a)(i)  
5 of the public health code, Act No. 368 of the Public Acts of  
6 1978, being sections 333.7401 and 333.7403 of the Michigan  
7 Compiled Laws, did not occur or that there is not probable cause  
8 to believe that the juvenile committed the violation, but ~~that~~  
9 there is probable cause to believe that some other offense  
10 occurred and ~~that~~ the juvenile committed that other offense,  
11 the magistrate shall transfer the case AND ANY OTHER CHARGE PEND-  
12 ING AGAINST THE JUVENILE FOR A CRIME OR OFFENSE THAT AROSE OUT OF  
13 THE SAME COURSE OF CONDUCT to the juvenile division of the pro-  
14 bate court of the county where the offense is alleged to have  
15 been committed. A transfer under this subsection ~~shall~~ DOES  
16 not prevent the juvenile division of the probate court from waiv-  
17 ing jurisdiction over the juvenile under section 4 of chapter  
18 XIIA of Act No. 288 of the Public Acts of 1939, being section  
19 712A.4 of the Michigan Compiled Laws.

20 Section 2. This amendatory act shall not take effect unless  
21 all of the following bills of the 87th Legislature are enacted  
22 into law:

23 (a) Senate Bill No. 671.

24

25 (b) Senate Bill No. 672.

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1 (c) Senate Bill No. 673.

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