



# HOUSE BILL No. 5780

April 23, 1996, Introduced by Reps. Bush, Hill, Lowe, McBryde, Crissman, Goschka, Geiger, Weeks and Perricone and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 27 of chapter IV 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 section 764.27 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 27 of chapter IV of Act No. 175 of the  
2 Public Acts of 1927, as amended by Act No. 67 of the Public Acts  
3 of 1988, being section 764.27 of the Michigan Compiled Laws, is  
4 amended to read as follows:

5 CHAPTER IV

6 Sec. 27. (1) Except as otherwise provided in section 606 of  
7 the revised judicature act of 1961, Act No. 236 of the Public  
8 Acts of 1961, being section 600.606 of the Michigan Compiled  
9 Laws, or section 10a(1)(c) of Act No. 369 of the Public Acts of

1 1919, being section 725.10a of the Michigan Compiled Laws, if a  
2 child under 17 years of age is arrested ~~—~~ with or without a  
3 warrant, the child shall be taken ~~immediately~~ before the juve-  
4 nile division of the probate court of the county where the  
5 offense is alleged to have been committed ~~—, and the~~ WITHIN A  
6 REASONABLE TIME. THE CHILD MAY BE DETAINED TEMPORARILY TO PERMIT  
7 THE TAKING OF A STATEMENT, FINGERPRINTS, OR A PHOTOGRAPH, OR TO  
8 PERMIT FURTHER INVESTIGATION OF THE CASE INCLUDING BUT NOT  
9 LIMITED TO LOCATING ADDITIONAL EVIDENCE, WITNESSES, OR SUSPECTS.  
10 IF THE CHILD IS TEMPORARILY DETAINED FOR 1 OR MORE OF THESE PUR-  
11 POSES, THE LAW ENFORCEMENT AGENCY MAKING THE ARREST SHALL MAKE  
12 REASONABLE ATTEMPTS TO NOTIFY THE CHILD'S CUSTODIAL PARENT OR  
13 GUARDIAN OF THE PLACE OF DETENTION. WHEN THE CHILD IS TAKEN  
14 BEFORE THE JUVENILE DIVISION, THE officer making the arrest shall  
15 immediately make and file, or cause to be made and filed, a peti-  
16 tion against the child as provided in chapter XIIA of Act No.  
17 288 of the Public Acts of 1939, ~~as amended,~~ being sections  
18 712A.1 to ~~712A.28~~ 712A.31 of the Michigan Compiled Laws.

19 (2) Except as otherwise provided in section 606 of Act  
20 No. 236 of the Public Acts of 1961, being section 600.606 of the  
21 Michigan Compiled Laws, or section 10a(1)(c) of Act No. 369 of  
22 the Public Acts of 1919, being section 725.10a of the Michigan  
23 Compiled Laws, if during the pendency of a criminal case against  
24 a child in a court in this state it is ascertained that the child  
25 is under 17 years of age, the court shall immediately transfer  
26 the case, together with all papers connected with the case, to

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

3 (3) If a child 15 years of age or older is charged with a  
4 felony, the PROBATE judge, ~~of probate,~~ after investigation and  
5 examination and upon motion of the prosecuting attorney, may  
6 waive jurisdiction under section 4 of chapter XIIIA of Act No. 288  
7 of the Public Acts of 1939, being section 712A.4 of the Michigan  
8 Compiled Laws. If jurisdiction is waived, it ~~shall be~~ IS  
9 lawful to try the child in the court having general criminal  
10 jurisdiction of the offense.

11 (4) If during the pendency of a criminal case against a  
12 child in a court of record other than a probate court it is  
13 determined that the child is 17 years of age, then the court if  
14 the court finds that any of the conditions exist as outlined in  
15 section 2(d) of chapter XIIIA of Act No. 288 of the Public Acts  
16 of 1939, ~~as amended,~~ being section 712A.2 of the Michigan  
17 Compiled Laws, upon motion of the prosecuting attorney, the  
18 child, or his or her representative, may transfer the case  
19 together with all papers connected with the case to the juvenile  
20 division of the probate court of the county where the offense is  
21 alleged to have been committed.