



SENATE BILL No. 24

January 17, 1995, Introduced by Senator BOUCHARD and referred to the Committee on Judiciary.

A bill to amend section 15 of chapter II and 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 15 of chapter II as amended by Act No. 293 of the Public Acts of 1993, section 1f of chapter IV and section 14 of chapter VI as amended by Act No. 195 of the Public Acts of 1994, and section 27 of chapter IV 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 15 of chapter II as amended by Act
4 No. 293 of the Public Acts of 1993, section 1f of chapter IV and

1 section 14 of chapter VI as amended by Act No. 195 of the Public
2 Acts of 1994, and section 27 of chapter IV as amended by Act
3 No. 67 of the Public Acts of 1988, being sections 762.15, 764.1f,
4 764.27, and 766.14 of the Michigan Compiled Laws, are amended to
5 read as follows:

6 CHAPTER II

7 Sec. 15. This chapter also applies to an individual over
8 ~~15~~ 14 years of age whose jurisdiction has been waived under
9 section 27 of chapter IV. ~~of this act.~~

10 CHAPTER IV

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

24 Sec. 27. Except as otherwise provided in section 606 of the
25 revised judicature act of 1961, Act No. 236 of the Public Acts of
26 1961, being section 600.606 of the Michigan Compiled Laws, or
27 section 10a(1)(c) of Act No. 369 of the Public Acts of 1919,

1 being section 725.10a of the Michigan Compiled Laws, if a child
2 ~~under~~ LESS THAN 17 years of age is arrested, with or without a
3 warrant, the child shall be taken immediately before the juvenile
4 division of the probate court of the county where the offense is
5 alleged to have been committed, and the officer making the arrest
6 shall immediately make and file, or cause to be made and filed, a
7 petition against the child as provided in chapter XIIA of Act
8 No. 288 of the Public Acts of 1939, as amended, being sections
9 712A.1 to ~~712A.28~~ 712A.31 of the Michigan Compiled Laws.
10 Except as otherwise provided in section 606 of Act No. 236 of the
11 Public Acts of 1961, being section 600.606 of the Michigan
12 Compiled Laws, or section 10a(1)(c) of Act No. 369 of the Public
13 Acts of 1919, being section 725.10a of the Michigan Compiled
14 Laws, if during the pendency of a criminal case against a child
15 in a court in this state it is ascertained that the child is
16 ~~under~~ LESS THAN 17 years of age, the court shall immediately
17 transfer the case, together with all papers connected with the
18 case, to the juvenile division of the probate court of the county
19 where the offense is alleged to have been committed. If a child
20 ~~15~~ 14 years of age or older is charged with a felony, the judge
21 of probate, after investigation and examination and upon motion
22 of the prosecuting attorney, may waive jurisdiction under section
23 4 of chapter XIIA of Act No. 288 of the Public Acts of 1939,
24 being section 712A.4 of the Michigan Compiled Laws. If jurisdic-
25 tion is waived, ~~it shall be lawful to try~~ the child MAY BE
26 TRIED in the court having general criminal jurisdiction of the
27 offense. If during the pendency of a criminal case against a

1 child in a court of record other than a probate court it is
2 determined that the child is 17 years of age, ~~then~~ the court,
3 if the court finds that any of the conditions exist as outlined
4 in section 2(d) of chapter XIIIA of Act No. 288 of the Public Acts
5 of 1939, as amended, being section 712A.2 of the Michigan
6 Compiled Laws, upon motion of the prosecuting attorney, the
7 child, or his or her representative, may transfer the case
8 together with all papers connected with the case to the juvenile
9 division of the probate court of the county where the offense is
10 alleged to have been committed.

11 CHAPTER VI

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

19 (2) If at the conclusion of the preliminary examination of a
20 juvenile the magistrate finds that a violation of section 83, 89,
21 91, 316, 317, 520b, 529, or 529a of the Michigan penal code, Act
22 No. 328 of the Public Acts of 1931, being sections 750.83,
23 750.89, 750.91, 750.316, 750.317, 750.520b, 750.529, and 750.529a
24 of the Michigan Compiled Laws, ~~or~~ section 7401(2)(a)(i) or
25 7403(2)(a)(i) of the public health code, Act No. 368 of the
26 Public Acts of 1978, being sections 333.7401 and 333.7403 of the
27 Michigan Compiled Laws, OR ANOTHER LAW OF THIS STATE THAT IS

1 PUNISHABLE BY LIFE IMPRISONMENT, did not occur or that there is
2 not probable cause to believe that the juvenile committed the
3 violation, but that there is probable cause to believe that some
4 other offense occurred and that the juvenile committed that other
5 offense, the magistrate shall transfer the case to the juvenile
6 division of the probate court of the county where the offense is
7 alleged to have been committed. A transfer under this subsection
8 does not prevent the juvenile division of the probate court from
9 waiving jurisdiction over the juvenile under section 4 of chapter
10 XIIIA of Act No. 288 of the Public Acts of 1939, being section
11 712A.4 of the Michigan Compiled Laws.

12 Section 2. This amendatory act shall not take effect unless
13 all of the following bills of the 88th Legislature are enacted
14 into law:

15 (a) Senate Bill No. 21.

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17 (b) Senate Bill No. 22.

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19 (c) Senate Bill No. 23.

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