



SENATE BILL No. 27

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

A bill to amend chapter VII of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," as amended, being sections 767.1 to 767.96 of the Michigan Compiled Laws, by adding section 29a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter VII of Act No. 175 of the Public Acts of
2 1927, as amended, being sections 767.1 to 767.96 of the Michigan
3 Compiled Laws, is amended by adding section 29a to read as
4 follows:

CHAPTER VII

5
6 SEC. 29A. (1) AFTER THE ARRAIGNMENT OF A DEFENDANT ON A
7 WARRANT CHARGING THE DEFENDANT WITH THE COMMISSION OF A VIOLENT
8 CRIME, THE EXAMINING MAGISTRATE SHALL NOT DO EITHER OF THE
9 FOLLOWING:

1 (A) DISMISS THE CASE UPON MOTION OF THE PROSECUTING ATTORNEY
2 UNLESS THE DISMISSAL IS WITH PREJUDICE.

3 (B) PERMIT THE PROSECUTING ATTORNEY TO REDUCE THE CHARGE IF
4 AT THE CONCLUSION OF THE PRELIMINARY EXAMINATION THE MAGISTRATE
5 DETERMINES THE VIOLENT CRIME DESCRIBED IN THE WARRANT WAS COMMIT-
6 TED AND THERE IS PROBABLE CAUSE FOR CHARGING THE DEFENDANT WITH
7 THE VIOLATION.

8 (2) AT OR AFTER THE ARRAIGNMENT OF A DEFENDANT ON AN INDICT-
9 MENT OR INFORMATION CHARGING THE DEFENDANT WITH THE COMMISSION OF
10 A VIOLENT CRIME, THE COURT IN WHICH THE INDICTMENT OR INFORMATION
11 IS FILED SHALL NOT DO EITHER OF THE FOLLOWING:

12 (A) DISMISS THE CASE UPON MOTION OF THE PROSECUTING ATTORNEY
13 UNLESS THE DISMISSAL IS WITH PREJUDICE.

14 (B) ACCEPT A PLEA OF GUILTY, GUILTY BUT MENTALLY ILL, OR
15 NOLO CONTENDERE TO A REDUCED CHARGE.

16 (3) AS USED IN THIS SECTION, "VIOLENT CRIME" MEANS EITHER OF,
17 THE FOLLOWING:

18 (A) A FELONY OR MISDEMEANOR, AN ELEMENT OF WHICH INVOLVES A
19 VIOLENT ACT OR THREAT OF A VIOLENT ACT AGAINST A PERSON.

20 (B) A CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED IN SUBDIVI-
21 SION (A).