

HOUSE BILL NO. 4443

April 10, 2019, Introduced by Rep. Hoitenga and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1f of chapter IV (MCL 764.1f), as amended by
1998 PA 520.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IV
2 Sec. 1f. (1) If the prosecuting attorney has reason to believe
3 that a juvenile 14 years of age or older but less than ~~17~~**18** years
4 of age has committed a specified juvenile violation, the



1 prosecuting attorney may authorize the filing of a complaint and
2 warrant on the charge with a magistrate concerning the juvenile.

3 (2) As used in this section, "specified juvenile violation"
4 means any of the following:

5 (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,
6 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,
7 MCL 750.72, 750.83, 750.86, 750.89, 750.91, 750.316, 750.317,
8 750.349, 750.520b, 750.529, 750.529a, and 750.531.

9 (b) A violation of section 84 or 110a(2) of the Michigan penal
10 code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is
11 armed with a dangerous weapon. As used in this subdivision,
12 "dangerous weapon" means 1 or more of the following:

13 (i) A loaded or unloaded firearm, whether operable or
14 inoperable.

15 (ii) A knife, stabbing instrument, brass knuckles, blackjack,
16 club, or other object specifically designed or customarily carried
17 or possessed for use as a weapon.

18 (iii) An object that is likely to cause death or bodily injury
19 when used as a weapon and that is used as a weapon or carried or
20 possessed for use as a weapon.

21 (iv) An object or device that is used or fashioned in a manner
22 to lead a person to believe the object or device is an object or
23 device described in subparagraphs (i) to (iii).

24 (c) A violation of section 186a of the Michigan penal code,
25 1931 PA 328, MCL 750.186a, regarding escape or attempted escape
26 from a juvenile facility, but only if the juvenile facility from
27 which the individual escaped or attempted to escape was 1 of the
28 following:

29 (i) A high-security or medium-security facility operated by the



1 family independence agency or a county juvenile agency.

2 (ii) A high-security facility operated by a private agency
3 under contract with the family independence agency or a county
4 juvenile agency.

5 (d) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
6 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403.

7 (e) An attempt to commit a violation described in subdivisions
8 (a) to (d).

9 (f) Conspiracy to commit a violation described in subdivisions
10 (a) to (d).

11 (g) Solicitation to commit a violation described in
12 subdivisions (a) to (d).

13 (h) Any lesser included offense of a violation described in
14 subdivisions (a) to (g) if the individual is charged with a
15 violation described in subdivisions (a) to (g).

16 (i) Any other violation arising out of the same transaction as
17 a violation described in subdivisions (a) to (g) if the individual
18 is charged with a violation described in subdivisions (a) to (g).

19 Enacting section 1. This amendatory act takes effect January
20 1, 2021.

21 Enacting section 2. This amendatory act does not take effect
22 unless all of the following bills of the 100th Legislature are
23 enacted into law:

24 (a) House Bill No. 4141.

25 (b) Senate Bill No. _____ or House Bill No. _____ (request no.
26 H00306'19 a *).

