

SENATE BILL NO. 98

February 07, 2019, Introduced by Senators BULLOCK, SANTANA, IRWIN, WOJNO, ALEXANDER, HOLLIER, HERTEL, MCMORROW and MOSS and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 27 of chapter IV (MCL 764.27), as amended by
1996 PA 418.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IV
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~~

~~1 section 10a(1)(c) of Act No. 369 of the Public Acts of 1919, being~~
~~2 section 725.10a of the Michigan Compiled Laws, 1961 PA 236, MCL~~
~~3 600.606, if a child less than 17-18 years of age is arrested, with~~
~~4 or without a warrant, the child shall~~**must** ~~be taken immediately~~
~~5 before the family division of circuit court of the county where the~~
~~6 offense is alleged to have been committed, and the officer making~~
~~7 the arrest shall immediately make and file, or cause to be made and~~
~~8 filed, a petition against the child as provided in chapter XIIIA of~~
~~9 Act No. 288 of the Public Acts of 1939, being sections 712A.1 to~~
~~10 712A.31 of the Michigan Compiled Laws. the probate code of 1939,~~
~~11 1939 PA 288, MCL 712A.1 to 712A.32.~~ Except as otherwise provided in
~~12 section 606 of Act No. 236 of the Public Acts of 1961 or section~~
~~13 10a(1)(c) of Act No. 369 of the Public Acts of 1919, the revised~~
~~14 judicature act of 1961, 1961 PA 236, MCL 600.606, if during the~~
~~15 pendency of a criminal case against a child in a court in this~~
~~16 state it is ascertained that the child is less than 17-18 years of~~
~~17 age, the court shall immediately transfer the case, together with~~
~~18 all papers connected with the case, to the family division of~~
~~19 circuit court of the county where the offense is alleged to have~~
~~20 been committed. If a child 14 years of age or older is charged with~~
~~21 a felony, the judge of probate, after investigation and examination~~
~~22 and upon motion of the prosecuting attorney, may waive jurisdiction~~
~~23 under section 4 of chapter XIIIA of Act No. 288 of the Public Acts~~
~~24 of 1939, being section 712A.4 of the Michigan Compiled Laws. the~~
~~25 probate code of 1939, 1939 PA 288, MCL 712A.4.~~ If jurisdiction is
~~26 waived, the child may be tried in the court having general criminal~~
~~27 jurisdiction of the offense. If during the pendency of a criminal~~
~~28 case against a child in a court of record other than the family~~
~~29 division of circuit court it is determined that the child is 17~~

~~years of age, the court, if the court finds that any of the
conditions exist as outlined in section 2(d) of chapter XIIA of Act
No. 288 of the Public Acts of 1939, as amended, being section
712A.2 of the Michigan Compiled Laws, upon motion of the
prosecuting attorney, the child, or his or her representative, may
transfer the case together with all papers connected with the case
to the family division of circuit court of the county where the
offense is alleged to have been committed.~~

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