

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

764.27 Arrest of child less than 18 years of age; procedure.

Sec. 27. Except as otherwise provided in section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, if a child less than 18 years of age is arrested, with or without a warrant, the child must be taken immediately before the family division of circuit court of the county where the offense is alleged to have been committed, and the officer making the arrest shall immediately make and file, or cause to be made and filed, a petition against the child as provided in chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32. Except as otherwise provided in section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606, if during the pendency of a criminal case against a child in a court in this state it is ascertained that the child is less than 18 years of age, the court shall immediately 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. If a child 14 years of age or older is charged with a felony, the judge of probate, after investigation and examination and upon motion of the prosecuting attorney, may waive jurisdiction under section 4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.4. If jurisdiction is waived, the child may be tried in the court having general criminal jurisdiction of the offense.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17161;—Am. 1931, Act 309, Eff. Sept. 18, 1931;—CL 1948, 764.27;—Am. 1958, Act 212, Eff. Sept. 13, 1958;—Am. 1972, Act 44, Imd. Eff. Feb. 19, 1972;—Am. 1988, Act 67, Eff. Oct. 1, 1988;—Am. 1996, Act 255, Eff. Jan. 1, 1997;—Am. 1996, Act 418, Eff. Jan. 1, 1998;—Am. 2019, Act 103, Eff. Oct. 1, 2021.

Compiler's note: Section 3 of Act 67 of 1988 provides: "This amendatory act shall take effect June 1, 1988." This section was amended by Act 173 of 1988 to read as follows: "This amendatory act shall take effect October 1, 1988."

Former law: See section 6 of Act 6 of 1907 (Ex. Sess.); Act 308 of 1915; CL 1915, § 2016; and Act 105 of 1923.