

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

767.45 Contents of indictment or information; felony in which motor vehicle used.

Sec. 45. (1) The indictment or information shall contain all of the following:

(a) The nature of the offense stated in language which will fairly apprise the accused and the court of the offense charged.

(b) The time of the offense as near as may be. No variance as to time shall be fatal unless time is of the essence of the offense.

(c) That the offense was committed in the county or within the jurisdiction of the court. No verdict shall be set aside or a new trial granted by reason of failure to prove that the offense was committed in the county or within the jurisdiction of the court unless the accused raises the issue before the case is submitted to the jury.

(2) If a person is accused of committing or attempting to commit a felony in which a motor vehicle was used, other than a felony specified in section 732(4) or 319(1)(a) to (f) of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.732 and 257.319 of the Michigan Compiled Laws, the prosecuting attorney shall include on the complaint and information the statement, "You are charged with the commission of a felony in which a motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.319 of the Michigan Compiled Laws, your driver's license shall be suspended by the secretary of state for a period of 90 days to 2 years." As used in this subsection, "felony in which a motor vehicle was used" means a felony during the commission of which the person accused operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(i) The vehicle was used as an instrument of the felony.

(ii) The vehicle was used to transport a victim of the felony.

(iii) The vehicle was used to flee the scene of the felony.

(iv) The vehicle was necessary for the commission of the felony.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17259;—CL 1948, 767.45;—Am. 1988, Act 123, Eff. July 1, 1988.

Former law: See sections 7 and 13 of Act 77 of 1855, being CL 1857, §§ 6053 and 6059; CL 1871, §§ 7922 and 7928; How., §§ 9533 and 9539; CL 1897, §§ 11918 and 11924; and CL 1915, §§ 15745 and 15751.