

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

769.8 Definite term prohibited for conviction for first time for felony; fixing minimum term; stating maximum term; examination of convict; entering facts in minutes of court.

Sec. 8. (1) When a person is convicted for the first time for committing a felony and the punishment prescribed by law for that offense may be imprisonment in a state prison, the court imposing sentence shall not fix a definite term of imprisonment, but shall fix a minimum term, except as otherwise provided in this chapter. The maximum penalty provided by law shall be the maximum sentence in all cases except as provided in this chapter and shall be stated by the judge in imposing the sentence.

(2) Before or at the time of imposing sentence, the judge shall ascertain by examining the defendant under oath, or otherwise, and by other evidence as can be obtained tending to indicate briefly the causes of the defendant's criminal character or conduct, which facts and other facts that appear to be pertinent in the case the judge shall cause to be entered upon the minutes of the court.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17336;—CL 1948, 769.8;—Am. 1978, Act 77, Eff. Sept. 1, 1978;—Am. 1994, Act 322, Eff. (pending);—Am. 1998, Act 317, Eff. Dec. 15, 1998.

Former law: See section 1 of Act 184 of 1905, being CL 1915, § 15859; and Act 259 of 1921.