



HOUSE BILL No. 5511

January 16, 1996, Introduced by Reps. Kaza, Ryan, Perricone, Hill, Cropsey, Horton, Curtis, Harder, Willard, Bush, Weeks, Crissman and Jersevic and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 15 of chapter II and sections 1f and 27 of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

section 15 of chapter II as amended by Act No. 293 of the Public Acts of 1993, section 1f of chapter IV as amended by Act No. 195 of the Public Acts of 1994, and section 27 of chapter IV as amended by Act No. 67 of the Public Acts of 1988, being sections 762.15, 764.1f, and 764.27 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15 of chapter II and sections 1f and 27
2 of chapter IV of Act No. 175 of the Public Acts of 1927,
3 section 15 of chapter II as amended by Act No. 293 of the Public
4 Acts of 1993, section 1f of chapter IV as amended by Act No. 195

1 of the Public Acts of 1994, and section 27 of chapter IV as
2 amended by Act No. 67 of the Public Acts of 1988, being
3 sections 762.15, 764.1f, and 764.27 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 CHAPTER II

6 Sec. 15. This chapter also applies to an individual over
7 ~~+5~~ 14 years of age whose jurisdiction has been waived under
8 section 27 of chapter IV ~~of this act~~ OR OVER WHOM THE PROBATE
9 COURT DOES NOT HAVE JURISDICTION AS PROVIDED IN SECTION 2 OF
10 CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING
11 SECTION 712A.2 OF THE MICHIGAN COMPILED LAWS.

12 CHAPTER IV

13 Sec. 1f. If the prosecuting attorney has reason to believe
14 that a juvenile ~~+5~~ 14 years of age or older but less than 17
15 years of age has violated section 83, 89, 91, 316, 317, 520b,
16 529, or 529a of the Michigan penal code, Act No. 328 of the
17 Public Acts of 1931, being sections 750.83, 750.89, 750.91,
18 750.316, 750.317, 750.520b, 750.529, and 750.529a of the Michigan
19 Compiled Laws, or section 7401(2)(a)(i) or 7403(2)(a)(i) of the
20 public health code, Act No. 368 of the Public Acts of 1978, being
21 sections 333.7401 and 333.7403 of the Michigan Compiled Laws, the
22 prosecuting attorney may authorize the filing of a complaint and
23 warrant on the charge with a magistrate concerning the juvenile.

24 Sec. 27. Except as otherwise provided in section 606 of the
25 revised judicature act of 1961, Act No. 236 of the Public Acts of
26 1961, being section 600.606 of the Michigan Compiled Laws,
27 SECTION 2 OF CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF

1 1939, BEING SECTION 712A.2 OF THE MICHIGAN COMPILED LAWS, or
2 section 10a(1)(c) of Act No. 369 of the Public Acts of 1919,
3 being section 725.10a of the Michigan Compiled Laws, if a child
4 ~~under~~ LESS THAN 17 years of age is arrested, with or without a
5 warrant, the child shall be taken immediately before the juvenile
6 division of the probate court of the county where the offense is
7 alleged to have been committed, and the officer making the arrest
8 shall immediately make and file, or cause to be made and filed, a
9 petition against the child as provided in chapter XIIIA of Act
10 No. 288 of the Public Acts of 1939, as amended, being sections
11 712A.1 to ~~712A.28~~ 712A.31 of the Michigan Compiled Laws.
12 Except as otherwise provided in section 606 of Act No. 236 of the
13 Public Acts of 1961, ~~being section 600.606 of the Michigan~~
14 ~~Compiled Laws~~ SECTION 2 OF CHAPTER XIIIA OF ACT NO. 288 OF THE
15 PUBLIC ACTS OF 1939, or section 10a(1)(c) of Act No. 369 of the
16 Public Acts of 1919, ~~being section 725.10a of the Michigan~~
17 ~~Compiled Laws,~~ if during the pendency of a criminal case against
18 a child in a court in this state it is ascertained that the child
19 is ~~under~~ LESS THAN 17 years of age, the court shall immediately
20 transfer the case, together with all papers connected with the
21 case, to the juvenile division of the probate court of the county
22 where the offense is alleged to have been committed. If a child
23 ~~+5-~~ 14 years of age or older is charged with a felony, the judge
24 of probate, after investigation and examination and upon motion
25 of the prosecuting attorney, may waive jurisdiction under section
26 4 of chapter XIIIA of Act No. 288 of the Public Acts of 1939,
27 being section 712A.4 of the Michigan Compiled Laws. If

1 jurisdiction is waived, ~~it shall be lawful to try~~ the child MAY
 2 BE TRIED in the court having general criminal jurisdiction of the
 3 offense. If during the pendency of a criminal case against a
 4 child in a court of record other than a probate court it is
 5 determined that the child is 17 years of age, ~~then~~ the court,
 6 if the court finds that any of the conditions exist as outlined
 7 in section 2(d) of chapter XIIIA of Act No. 288 of the Public
 8 Acts of 1939, as amended, ~~being section 712A.2 of the Michigan~~
 9 ~~Compiled Laws,~~ upon motion of the prosecuting attorney, the
 10 child, or his or her representative, may transfer the case
 11 together with all papers connected with the case to the juvenile
 12 division of the probate court of the county where the offense is
 13 alleged to have been committed.

14 Section 2. This amendatory act shall not take effect unless
 15 all of the following bills of the 88th Legislature are enacted
 16 into law:

17 (a) Senate Bill No. _____ or House Bill No. 5512
 18 (request no. 03861'95).

19 (b) Senate Bill No. _____ or House Bill No. 5514
 20 (request no. 03861'95 b).

21 (c) Senate Bill No. _____ or House Bill No. 5513
 22 (request no. 03861'95 c).