

HOUSE BILL No. 5905

Introduced by Rep. Cushingberry and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 3 of chapter III (MCL 763.3), as amended by
1988 PA 89.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER III

Sec. 3. (1) In all criminal cases arising in the courts of
this state the defendant may, with ~~the consent of the prosecutor~~
~~and~~ approval by the court, waive a determination of the facts by a
jury and elect to be tried before the court without a jury. Except
in cases of minor offenses, the waiver and election by a defendant
shall be in writing signed by the defendant and filed in the case
and made a part of the record. The waiver and election shall be

1 entitled in the court and case, and in substance as follows: "I,
2, defendant in the above case, hereby voluntarily
3 waive and relinquish my right to a trial by jury and elect to be
4 tried by a judge of the court in which the case may be pending. I
5 fully understand that under the laws of this state I have a
6 constitutional right to a trial by jury."

7 _____
8 Signature of defendant.

9 (2) Except in cases of minor offenses, the waiver of trial by
10 jury shall be made in open court after the defendant has been
11 arraigned and has had opportunity to consult with legal counsel.