



# HOUSE BILL No. 5886

November 10 1994, Introduced by Reps McNutt Hammerstrom Dalman London and Galloway and referred to the Committee on Judiciary

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~~

9 CHAPTER IV

10 Sec 1f If the prosecuting attorney has reason to believe  
 11 that a juvenile ~~+5~~ 14 years of age or older but less than 17  
 12 years of age has violated section 83, 89 91, 316, 317 520b,  
 13 529, or 529a of the Michigan penal code, Act No 328 of the  
 14 Public Acts of 1931 being sections 750 83 750 89, 750 91  
 15 750 316, 750 317, 750 520b 750 529, and 750 529a of the Michigan  
 16 Compiled Laws, or section 7401(2)(a)(1) or 7403(2)(a)(1) of the  
 17 public health code Act No 368 of the Public Acts of 1978 being  
 18 sections 333 7401 and 333 7403 of the Michigan Compiled Laws the  
 19 prosecuting attorney may authorize the filing of a complaint and  
 20 warrant on the charge with a magistrate concerning the juvenile

21 Sec 27 Except as otherwise provided in section 606 of the  
 22 revised judicature act of 1961, Act No 236 of the Public Acts of  
 23 1961, being section 600 606 of the Michigan Compiled Laws, or  
 24 section 10a(1)(c) of Act No 369 of the Public Acts of 1919,  
 25 being section 725 10a of the Michigan Compiled Laws, if a child  
 26 ~~under~~ LESS THAN 17 years of age is arrested with or without a  
 27 warrant, the child shall be taken immediately before the juvenile

1 division of the probate court of the county where the offense is  
2 alleged to have been committed and the officer making the arrest  
3 shall immediately make and file, or cause to be made and filed, a  
4 petition against the child as provided in chapter XIIIA of Act  
5 No 288 of the Public Acts of 1939, as amended, being sections  
6 712A 1 to ~~712A 28~~ 712A 31 of the Michigan Compiled Laws  
7 Except as otherwise provided in section 606 of Act No 236 of the  
8 Public Acts of 1961, being section 600 606 of the Michigan  
9 Compiled Laws, or section 10a(1)(c) of Act No 369 of the Public  
10 Acts of 1919, being section 725 10a of the Michigan Compiled  
11 Laws if during the pendency of a criminal case against a child  
12 in a court in this state it is ascertained that the child is  
13 ~~under~~ LESS THAN 17 years of age the court shall immediately  
14 transfer the case, together with all papers connected with the  
15 case, to the juvenile division of the probate court of the county  
16 where the offense is alleged to have been committed If a child  
17 ~~+5~~ 14 years of age or older is charged with a felony, the judge  
18 of probate, after investigation and examination and upon motion  
19 of the prosecuting attorney may waive jurisdiction under section  
20 4 of chapter XIIIA of Act No 288 of the Public Acts of 1939,  
21 being section 712A 4 of the Michigan Compiled Laws If jurisdic-  
22 tion is waived ~~it shall be lawful to try~~ the child MAY BE  
23 TRIED in the court having general criminal jurisdiction of the  
24 offense If during the pendency of a criminal case against a  
25 child in a court of record other than a probate court it is  
26 determined that the child is 17 years of age, ~~then~~ the court,  
27 if the court finds that any of the conditions exist as outlined

1 in section 2(d) of chapter XIIIA of Act No 288 of the Public  
2 Acts of 1939 as amended being section 712A 2 of the Michigan  
3 Compiled Laws, upon motion of the prosecuting attorney the  
4 child, or his or her representative, may transfer the case  
5 together with all papers connected with the case to the juvenile  
6 division of the probate court of the county where the offense is  
7 alleged to have been committed

8 Section 2 This amendatory act shall not take effect unless  
9 all of the following bills of the 87th Legislature are enacted  
10 into law

11 (a) Senate Bill No \_\_\_\_\_ or House Bill No 5885  
12 (request no 06607 94)

13 (b) Senate Bill No \_\_\_\_\_ or House Bill No 5887  
14 (request no 06607 94 b)

15 (c) Senate Bill No \_\_\_\_\_ or House Bill No 5888  
16 (request no 06607 94 c)