

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

**763.3 Waiver of trial by jury in criminal cases.**

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

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Signature of defendant.

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

**History:** 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17131 ;-- CL 1948, 763.3 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981 ;-- Am. 1988, Act 89, Eff. June 1, 1988