

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

**766.5 Bail; commitment to jail; release on own recognizance.**

Sec. 5.

If it appears that a felony has been committed and that there is probable cause to believe that the accused is guilty thereof, and if the offense is bailable by the magistrate and the accused offers sufficient bail, it shall be taken and the prisoner discharged until trial. If sufficient bail is not offered or the offense is not bailable by the magistrate, the accused shall be committed to jail for trial. This section shall not prevent the magistrate from releasing the accused on his own recognizance where authorized by law.

**History:** 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17197 ;-- CL 1948, 766.5 ;-- Am. 1974, Act 63, Eff. May 1, 1974

**Compiler's Notes:** Section 2 of Act 63 of 1974 provides: "Effective date." Section 2. To give judges, prosecutors, and defense counsel a reasonable opportunity to become aware of and familiar with the time periods and sequence prescribed in this amendatory act and the effects of noncompliance, sections 20 and 21 of chapter 8 of Act No. 175 of the Public Acts of 1927, being sections 768.20 and 768.21 of the Michigan Compiled Laws, as amended by this amendatory act shall take effect May 1, 1974, and apply to cases in which the arraignment on an information occurs on or after that date. The other provisions of this amendatory act shall take effect May 1, 1974 and apply to offenses committed on or after that date."

**Former Law:** See section 18 of Ch. 163 of R.S. 1846, being CL 1857, Â§ 5994; CL 1871, Â§ 7860; How., Â§ 9471; CL 1897, Â§ 11855; and CL 1915, Â§ 15682.