

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4796

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16,
and 17 of chapter VI (MCL 766.1, 766.4, 766.5, 766.6, 766.7, 766.8,
766.9, 766.10, 766.11, 766.13, 766.14, 766.15, 766.16, and 766.17),
section 4 as amended by 1994 PA 167, section 9 as amended by 1988
PA 106, and section 14 as amended by 1998 PA 520.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER VI

Sec. 1. The state and accused ~~shall be~~ **ARE** entitled to a
~~prompt examination and~~ **PROBABLE CAUSE** determination by the
examining magistrate in all ~~criminal causes and it is hereby made~~
~~the duty of all courts and public officers having duties to perform~~

1 ~~in connection with such examination, to bring them to a final~~
2 ~~determination without delay except as it may be necessary to secure~~
3 ~~to the accused a fair and impartial examination~~ **FELONY CASES.**

4 Sec. 4. (1) Except as provided in section 4 of chapter XIIIA of
5 ~~Act No. 288 of the Public Acts of 1939, being section 712A.4 of the~~
6 ~~Michigan Compiled Laws 1939 PA 288, MCL 712A.4,~~ the magistrate
7 before whom any person is arraigned on a charge of having committed
8 a felony shall set a day for a ~~preliminary examination~~ **PROBABLE**
9 **CAUSE HEARING** not exceeding 14 days after the arraignment. At the
10 ~~preliminary examination~~ **PROBABLE CAUSE HEARING,** a magistrate shall
11 examine ~~the complainant and~~ the witnesses in support of the
12 prosecution ~~, on~~ **UNDER** oath and, except as provided in section
13 2167 of the revised judicature act of 1961, ~~Act No. 236 of the~~
14 ~~Public Acts of 1961, being section 600.2167 of the Michigan~~
15 ~~Compiled Laws 1961 PA 236, MCL 600.2167,~~ in the presence of the
16 accused, in regard to the offense charged ~~and in regard to any~~
17 ~~other matters connected with the charge that the magistrate~~
18 ~~considers pertinent~~ **FOR THE EXCLUSIVE PURPOSE OF DETERMINING**
19 **WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT A CHARGED FELONY**
20 **WAS COMMITTED AND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE**
21 **DEFENDANT COMMITTED THE CHARGED FELONY. THE PROBABLE CAUSE HEARING**
22 **SHALL NOT BE USED FOR PURPOSES OF DISCOVERY.**

23 (2) **IF 1 OR MORE DEFENDANTS HAVE BEEN CHARGED WITH A FELONY**
24 **ARISING OUT OF THE SAME TRANSACTION, THE PROBABLE CAUSE HEARINGS**
25 **FOR ALL THE DEFENDANTS WHO HAVE BEEN ARRESTED ON THOSE CHARGES**
26 **SHALL BE CONSOLIDATED, AND ONLY 1 JOINT PROBABLE CAUSE HEARING**
27 **SHALL BE HELD. UPON MOTION OF 1 OR MORE OF THE DEFENDANTS, THE**

1 CONSOLIDATED PROBABLE CAUSE HEARING MAY BE SEVERED IF THE
2 DEFENDANT'S ATTORNEY CANNOT ATTEND A PROBABLE CAUSE HEARING WITHIN
3 14 DAYS AFTER THE ARRAIGNMENT OR FOR OTHER GOOD CAUSE SHOWN.

4 (3) IF THE PROBABLE CAUSE HEARING IS FOR A FELONY FOR WHICH
5 THE MAXIMUM POSSIBLE PENALTY IS IMPRISONMENT FOR LIFE OR ANY TERM
6 OF YEARS, THE RULES OF EVIDENCE APPLY AT THE PROBABLE CAUSE
7 HEARING.

8 (4) IF THE PROBABLE CAUSE HEARING IS FOR AN ASSAULTIVE FELONY,
9 THE PROSECUTING ATTORNEY MAY PRESENT THE TESTIMONY OF THE VICTIM OR
10 VICTIMS OF THE FELONY TO ESTABLISH PROBABLE CAUSE TO BELIEVE THAT A
11 CHARGED FELONY WAS COMMITTED AND THAT THERE IS PROBABLE CAUSE TO
12 BELIEVE THAT THE DEFENDANT COMMITTED THE CHARGED FELONY. THE RULES
13 OF EVIDENCE APPLY TO THE TESTIMONY OF EACH VICTIM. IF THE VICTIM
14 TESTIFIES AT THE PROBABLE CAUSE HEARING, REGARDLESS OF WHETHER THE
15 DECLARANT IS AVAILABLE AS A WITNESS, CREDIBLE HEARSAY FROM A LAW
16 ENFORCEMENT OFFICER INVOLVED IN THE INVESTIGATION IS ADMISSIBLE AND
17 THE COURT SHALL ALLOW THE PROSECUTING ATTORNEY TO PRESENT CREDIBLE
18 HEARSAY TESTIMONY FROM THAT LAW ENFORCEMENT OFFICER TO ESTABLISH
19 PROBABLE CAUSE TO BELIEVE THAT A CHARGED FELONY WAS COMMITTED AND
20 THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT
21 COMMITTED THAT FELONY. OTHER THAN THE CREDIBLE HEARSAY TESTIMONY OF
22 A LAW ENFORCEMENT OFFICER INVOLVED IN THE INVESTIGATION, THE RULES
23 OF EVIDENCE APPLY TO THE TESTIMONY OF EACH WITNESS. IF THE VICTIM
24 DOES NOT TESTIFY AT THE PROBABLE CAUSE HEARING, THE RULES OF
25 EVIDENCE APPLY TO ALL WITNESSES.

26 (5) IN ALL OTHER CASES, REGARDLESS OF WHETHER THE DECLARANT OR
27 VICTIM IS AVAILABLE AS A WITNESS, CREDIBLE HEARSAY FROM A LAW

1 ENFORCEMENT OFFICER INVOLVED IN THE INVESTIGATION IS ADMISSIBLE AND
2 THE COURT SHALL ALLOW THE PROSECUTING ATTORNEY TO PRESENT CREDIBLE
3 HEARSAY TESTIMONY FROM THAT LAW ENFORCEMENT OFFICER TO ESTABLISH
4 PROBABLE CAUSE TO BELIEVE THAT A CHARGED FELONY WAS COMMITTED AND
5 THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT
6 COMMITTED THE CHARGED FELONY. OTHER THAN THE CREDIBLE HEARSAY
7 TESTIMONY OF A LAW ENFORCEMENT OFFICER INVOLVED IN THE
8 INVESTIGATION, THE RULES OF EVIDENCE APPLY TO THE TESTIMONY OF EACH
9 WITNESS.

10 (6) AS USED IN THIS SECTION:

11 (A) "ASSAULTIVE FELONY" MEANS A FELONY OFFENSE AGAINST A
12 PERSON IN VIOLATION OF SECTION 81, 81A, 81C, 81D, 82, 84, 86, 87,
13 88, 90B, 397, 411H, 411I, 520C, 520D, 520E, 520G, 530, OR 543A TO
14 543Z OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,
15 750.81C, 750.81D, 750.82, 750.84, 750.86, 750.87, 750.88, 750.90B,
16 750.397, 750.411H, 750.411I, 750.520C, 750.520D, 750.520E,
17 750.520G, 750.530, AND 750.543A TO 750.543Z.

18 (B) "CREDIBLE HEARSAY" INCLUDES ALL RELEVANT AND MATERIAL
19 EVIDENCE, INCLUDING ORAL AND WRITTEN REPORTS, THAT MUST BE RECEIVED
20 AND RELIED ON TO THE EXTENT OF ITS PROBATIVE VALUE, REGARDLESS OF
21 WHETHER THE EVIDENCE IS OTHERWISE ADMISSIBLE UNDER THE MICHIGAN
22 RULES OF EVIDENCE.

23 Sec. 5. If ~~it appears that a felony has been committed and~~
24 ~~that~~ THE COURT DETERMINES there is probable cause to believe that
25 the accused ~~is guilty thereof~~ COMMITTED THE CHARGED FELONY, and
26 if the offense is bailable by the magistrate and the accused offers
27 sufficient bail, ~~it~~ THAT BAIL shall be ~~taken~~ ACCEPTED and the

1 prisoner discharged until trial. If sufficient bail is not offered
 2 or the offense is notailable by the magistrate, the accused shall
 3 be committed to jail for trial. This section shall not prevent the
 4 magistrate from releasing the accused on his **OR HER** own
 5 recognizance ~~where~~ **IF** authorized by law.

6 Sec. 6. Any magistrate to whom complaint is made, or before
 7 whom any prisoner is brought, may associate with ~~himself~~ 1 or
 8 more other magistrates of the same county, and they may together
 9 execute the powers and duties conferred ~~upon such magistrates~~
 10 ~~respectively~~ by this chapter, but no fees shall be taxed for ~~such~~
 11 **THOSE OTHER** associates.

12 Sec. 7. A magistrate may adjourn a ~~preliminary examination~~
 13 **PROBABLE CAUSE HEARING** for a felony to a place in the county as the
 14 magistrate ~~deems~~ **DETERMINES IS** necessary. The accused may in the
 15 meantime be committed either to the county jail or to the custody
 16 of the officer by whom he **OR SHE** was arrested or to any other
 17 officer ~~—~~ or, unless he **OR SHE** is charged with treason or murder,
 18 ~~he~~ may be admitted to bail. An adjournment, continuance, or delay
 19 of a ~~preliminary examination~~ **PROBABLE CAUSE HEARING** shall not be
 20 granted ~~by a magistrate~~ except for good cause shown **OR BY**
 21 **AGREEMENT OF THE PARTIES**. ~~A magistrate shall not adjourn,~~
 22 ~~continue, or delay the examination of any cause by the consent of~~
 23 ~~the prosecution and accused unless in his discretion it shall~~
 24 ~~clearly appear by a sufficient showing to the magistrate to be~~
 25 ~~entered upon the record that the reasons for such consent are~~
 26 ~~founded upon strict necessity and that the examination of the cause~~
 27 ~~cannot then be had, or a manifest injustice will be done.~~ An

1 ~~action on the part of the magistrate in adjourning or continuing~~
2 ~~any case, shall~~ **ADJOURNMENT OR CONTINUANCE DOES** not cause the
3 magistrate to lose jurisdiction of the case.

4 Sec. 8. The person accused may be committed as provided in
5 ~~the preceding~~ section 7, by the verbal order of the magistrate, or
6 by a warrant ~~under his hand~~ **ISSUED BY THE MAGISTRATE**, stating
7 that ~~he~~ **THE ACCUSED** is committed for ~~such~~ further examination
8 on a day to be named in the warrant. ~~and on the day therein~~
9 ~~specified, he may be brought~~ **THE ACCUSED SHALL APPEAR** before the
10 magistrate ~~by his verbal order to the same officer by or to whose~~
11 ~~eustody he was committed, or by an order in writing to a different~~
12 ~~officer~~ **AS ORDERED OR AS SPECIFIED IN THE WARRANT.**

13 Sec. 9. (1) Upon the motion of any party, the ~~examining~~
14 magistrate may close to members of the general public the
15 ~~preliminary examination~~ **PROBABLE CAUSE HEARING** of a person charged
16 with criminal sexual conduct in any degree, assault with intent to
17 commit criminal sexual conduct, sodomy, gross indecency, or any
18 other offense involving sexual misconduct if all of the following
19 conditions are met:

20 (a) The magistrate determines that the need for protection of
21 a victim, a witness, or the defendant outweighs the public's right
22 of access to the ~~examination~~ **PROBABLE CAUSE HEARING.**

23 (b) The denial of access to the ~~examination~~ **PROBABLE CAUSE**
24 **HEARING** is narrowly tailored to accommodate the interest being
25 protected.

26 (c) The magistrate states on the record the specific reasons
27 for his or her decision to close the ~~examination~~ **PROBABLE CAUSE**

1 **HEARING** to members of the general public.

2 (2) In determining whether closure of the ~~preliminary~~
3 ~~examination~~ **PROBABLE CAUSE HEARING** is necessary to protect a
4 victim or witness, the magistrate shall consider all of the
5 following:

6 (a) The psychological condition of the victim or witness.

7 (b) The nature of the offense charged against the defendant.

8 (c) The desire of the victim or witness to have the
9 ~~examination~~ **PROBABLE CAUSE HEARING** closed to the public.

10 (3) The magistrate may close a ~~preliminary examination~~
11 **PROBABLE CAUSE HEARING** to protect the right of a party to a fair
12 trial only if both of the following apply:

13 (a) There is a substantial probability that the party's right
14 to a fair trial will be prejudiced by publicity that closure would
15 prevent.

16 (b) Reasonable alternatives to closure cannot adequately
17 protect the party's right to a fair trial.

18 Sec. 10. ~~The~~ **CONSISTENT WITH THE WILLIAM VAN REGENMORTER**
19 **CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.751 TO 780.834, THE**
20 magistrate while conducting ~~such examination~~ **A PROBABLE CAUSE**
21 **HEARING** may exclude from the place of the ~~examination~~ **PROBABLE**
22 **CAUSE HEARING** all the witnesses who have not been examined. ~~— and~~
23 ~~he~~ **THE MAGISTRATE** may also, if requested or if he ~~sees~~ **OR SHE**
24 **DETERMINES THAT THERE IS** cause, ~~direct the~~ **REQUIRE ANY** witnesses
25 ~~whether for or against the prisoner,~~ to be kept separate so that
26 they cannot converse with each other until they shall have been
27 examined. ~~And such~~ **THE** magistrate may ~~in his discretion,~~ also

1 exclude from the place of examination any ~~or all~~ minors during
 2 the ~~examination~~ **PROBABLE CAUSE HEARING** of ~~such~~ **THOSE** witnesses.

3 Sec. 11. (1) Witnesses may be compelled to appear before the
 4 magistrate by subpoenas issued by the ~~magistrate, or by an officer~~
 5 ~~of the court authorized to issue subpoenas~~ **COURT**, in the same
 6 manner, ~~and~~ with the same effect, and subject to the same
 7 penalties for disobedience ~~,~~ or for refusing to be sworn or to
 8 testify, as in cases of trials in the circuit court.

9 (2) Unless otherwise provided by law, the evidence given by
 10 the witnesses examined in a municipal court shall be taken down in
 11 shorthand by a county stenographer where one has been appointed
 12 under the provision of a local act of the legislature or by the
 13 county board of commissioners of the county in which the
 14 ~~examination~~ **PROBABLE CAUSE HEARING** is held, or the magistrate, for
 15 cause shown, may appoint some other suitable stenographer at the
 16 request of the prosecuting attorney of the county **AND** with the
 17 consent of the respondent or the respondent's attorney, to act as
 18 official stenographer pro tempore for the court ~~of the magistrate~~
 19 to take down in shorthand the testimony ~~of an examination~~
 20 **PRESENTED AT THE PROBABLE CAUSE HEARING. -A- AN APPOINTED**
 21 stenographer ~~so appointed~~ shall take the constitutional oath as
 22 the official stenographer and ~~shall be~~ **IS** entitled to ~~the~~
 23 ~~following fees:~~ **A FEE OF** \$6.00 for each day and \$3.00 for each
 24 half day while ~~so~~ employed ~~in~~ **AS THE OFFICIAL STENOGRAPHER**
 25 taking down the testimony, and 10 cents per folio for ~~typewriting~~
 26 **WORD PROCESSING** the testimony taken down in shorthand, or other
 27 compensation and fees as ~~shall be~~ fixed by the county board of

1 commissioners ~~appointing~~ **THAT APPOINTED** the stenographer. The
2 fees may be allowed and paid out of the treasury of the county in
3 which the testimony is taken. ~~It shall not be necessary for a~~ **A**
4 witness ~~or witnesses~~ whose testimony is taken in shorthand by the
5 stenographer **IS NOT REQUIRED** to sign the testimony. Except as
6 provided in section 15 of this chapter, the testimony ~~so~~ taken
7 under this subsection ~~—~~ shall be ~~typewritten~~ **WORD PROCESSED**,
8 certified, received, and filed in the court to which the accused is
9 held for trial.

10 (3) Testimony taken by a stenographer appointed ~~pursuant to~~
11 **UNDER** subsection (2) or taken by shorthand or recorded by a court
12 stenographer or district court recorder as provided by law, when
13 transcribed, ~~shall be considered~~ **IS** prima facie evidence of the
14 testimony of the witness or witnesses at the ~~examination~~ **PROBABLE**
15 **CAUSE HEARING**.

16 Sec. 13. If ~~it shall appear to~~ the magistrate **DETERMINES** at
17 the conclusion of the ~~preliminary examination~~ **PROBABLE CAUSE**
18 **HEARING** either that an offense has not been committed or that there
19 is not probable cause for charging the defendant ~~therewith~~ **WITH**
20 **THAT OFFENSE**, ~~he~~ **THE MAGISTRATE** shall discharge ~~such~~ **THE**
21 defendant. If ~~it shall appear to~~ the magistrate **DETERMINES** at the
22 conclusion of the ~~preliminary examination~~ **PROBABLE CAUSE HEARING**
23 that a felony has been committed and there is probable cause for
24 charging the defendant ~~therewith~~ **WITH THAT FELONY**, the magistrate
25 shall ~~forthwith~~ **PROMPTLY** bind the defendant to appear before the
26 circuit court of ~~such~~ **THAT** county ~~—, or other court having~~
27 ~~jurisdiction of the cause,~~ for trial.

1 Sec. 14. (1) If the court determines at the conclusion of the
2 ~~preliminary examination~~ **PROBABLE CAUSE HEARING** of a person charged
3 with a felony that the offense charged is not a felony or that an
4 included offense that is not a felony has been committed, the
5 accused shall not be dismissed but the magistrate shall proceed in
6 the same manner as if the accused had initially been charged with
7 an offense that is not a felony.

8 (2) If at the conclusion of the ~~preliminary examination~~
9 **PROBABLE CAUSE HEARING** of a juvenile the magistrate finds that ~~a~~
10 ~~specified juvenile violation did not occur or that~~ there is not
11 probable cause to believe that the juvenile committed ~~the~~ **A**
12 **SPECIFIED JUVENILE** violation, but that there is probable cause to
13 believe that some other offense occurred and that the juvenile
14 committed that other offense, the magistrate shall transfer the
15 case to the family division of circuit court of the county where
16 the offense is alleged to have been committed.

17 (3) A transfer under subsection (2) does not prevent the
18 family division of circuit court from waiving jurisdiction over the
19 juvenile under section 4 of chapter XIIIA of 1939 PA 288, MCL
20 712A.4.

21 (4) As used in this section, "specified juvenile violation"
22 means any of the following:

23 (a) A violation of section 72, 83, 86, 89, 91, 316, 317, 349,
24 520b, 529, 529a, or 531 of the Michigan penal code, 1931 PA 328,
25 MCL 750.72, 750.83, 750.89, 750.91, 750.316, 750.317, 750.349,
26 750.520b, 750.529, 750.529a, and 750.531.

27 (b) A violation of section 84 or 110a(2) of the Michigan penal

1 code, 1931 PA 328, MCL 750.84 and 750.110a, if the juvenile is
2 armed with a dangerous weapon. As used in this subdivision,
3 "dangerous weapon" means 1 or more of the following:

4 (i) A loaded or unloaded firearm, whether operable or
5 inoperable.

6 (ii) A knife, stabbing instrument, brass knuckles, blackjack,
7 club, or other object specifically designed or customarily carried
8 or possessed for use as a weapon.

9 (iii) An object that is likely to cause death or bodily injury
10 when used as a weapon and that is used as a weapon or carried or
11 possessed for use as a weapon.

12 (iv) An object or device that is used or fashioned in a manner
13 to lead a person to believe the object or device is an object or
14 device described in subparagraphs (i) to (iii).

15 (c) A violation of section 186a of the Michigan penal code,
16 1931 PA 328, MCL 750.186a, regarding escape or attempted escape
17 from a juvenile facility, but only if the juvenile facility from
18 which the individual escaped or attempted to escape was 1 of the
19 following:

20 (i) A high-security or medium-security facility operated by the
21 family independence agency or a county juvenile agency.

22 (ii) A high-security facility operated by a private agency
23 under contract with the family independence agency or a county
24 juvenile agency.

25 (d) A violation of section 7401(2)(a)(i) or 7403(2)(a)(i) of
26 the public health code, 1978 PA 368, MCL 333.7401 and 333.7403.

27 (e) An attempt to commit a violation described in subdivisions

1 (a) to (d).

2 (f) Conspiracy to commit a violation described in subdivisions
3 (a) to (d).

4 (g) Solicitation to commit a violation described in
5 subdivisions (a) to (d).

6 (h) Any lesser included offense of a violation described in
7 subdivisions (a) to (g) if the individual is charged with a
8 violation described in subdivisions (a) to (g).

9 (i) Any other violation arising out of the same transaction as
10 a violation described in subdivisions (a) to (g) if the individual
11 is charged with a violation described in subdivisions (a) to (g).

12 Sec. 15. (1) Except as provided in subsection (2) or (3), all
13 ~~examinations~~ **PROBABLE CAUSE HEARINGS** and recognizances taken by a
14 magistrate ~~pursuant to~~ **UNDER** this chapter shall be immediately
15 certified and returned by the magistrate to the clerk of the court
16 before which the party charged is bound to appear. If that
17 magistrate refuses or neglects to return the ~~same~~ **CERTIFIED**
18 **HEARING OR RECOGNIZANCE**, the magistrate may be compelled
19 immediately by order of the court, and in case of disobedience may
20 be proceeded against as for a contempt by an order to show cause or
21 a bench warrant.

22 (2) A written transcript of the testimony of a ~~preliminary~~
23 ~~examination~~ **PROBABLE CAUSE HEARING** need not be prepared or filed
24 except upon written demand of the prosecuting attorney, defense
25 attorney, or defendant if the defendant is not represented by an
26 attorney, or as ordered ~~sua sponte~~ by the trial court. A written
27 demand to prepare and file a written transcript is timely made if

1 filed within 2 weeks following the arraignment on the information
2 or indictment. A copy of a demand to prepare and file a written
3 transcript shall be filed with the trial court, all attorneys of
4 record, and the court ~~which~~ **THAT** held the ~~preliminary~~
5 ~~examination~~ **PROBABLE CAUSE HEARING**. Upon ~~sua sponte~~ order of the
6 trial court or timely written demand of an attorney, a written
7 transcript of the ~~preliminary examination~~ **PROBABLE CAUSE HEARING**
8 or a portion ~~thereof~~ **OF THAT TRANSCRIPT** shall be prepared and
9 filed with the trial court.

10 (3) If a written demand is not timely made as provided in
11 subsection (2), a written transcript need not be prepared or filed
12 except upon motion of an attorney or a defendant who is not
13 represented by an attorney, upon cause shown, and when granting of
14 the motion would not delay the start of the trial. When the start
15 of the trial would otherwise be delayed, upon good cause shown to
16 the trial court, in lieu of preparation of the transcript or a
17 portion ~~thereof~~ **OF THAT TRANSCRIPT**, the trial court may direct
18 that the defense and prosecution ~~shall~~ have an opportunity before
19 trial to listen to any electronically recorded testimony, a copy of
20 the recording tape or disc, or a stenographer's notes being read
21 back.

22 Sec. 16. If the person recognized according to the provisions
23 of this chapter ~~shall~~ **DOES** not appear before the magistrate at
24 the time appointed for his **OR HER** further ~~examination~~ **HEARING**,
25 the magistrate shall record the default, and shall certify the
26 recognizance, with the record of ~~such~~ **THAT** default, to the court
27 to which the accused might otherwise have been held for trial. —

1 ~~and the like proceedings~~ **THE FAILURE TO APPEAR** shall be ~~had~~
2 ~~thereon as upon the~~ **TREATED AS A** breach of the condition of a
3 recognizance ~~for appearance~~ **TO APPEAR** before ~~such~~ **THAT** court.

4 Sec. 17. ~~Whenever no~~ **IF** sufficient bail is ~~offered~~ **NOT**
5 **PROVIDED**, and the prisoner is committed to jail, the magistrate
6 before whom the ~~examination~~ **HEARING** was had, shall certify upon
7 the mittimus issued by him **OR HER**, the sum for which bail was
8 required. ~~, and if~~ **IF** the prisoner ~~shall offer sufficient~~ **OFFERS**
9 bail ~~for such sum~~ **IN THE AMOUNT SPECIFIED** to the clerk of the
10 court ~~wherein~~ **IN WHICH** the prisoner was committed for trial, ~~it~~
11 **THAT BAIL** shall be ~~taken~~ **ACCEPTED** by ~~said~~ **THE** clerk and the
12 prisoner shall be discharged.

13 Enacting section 1. This amendatory act takes effect January
14 1, 2008 and applies to probable cause hearings commenced on or
15 after that date. A preliminary examination commenced before January
16 1, 2008 shall be continued until completion under the law in effect
17 on the date that the preliminary examination began.

18 Enacting section 2. This amendatory act does not take effect
19 unless House Bill No. 4800 of the 93rd Legislature is enacted into
20 law.