

# HOUSE BILL No. 4796

May 17, 2005, Introduced by Reps. McConico, Elsenheimer and Van Regenmorter and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 4 of chapter VI (MCL 766.1 and 766.4), section 4 as amended by 1994 PA 167.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER VI

Sec. 1. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), THE** state and accused ~~shall be~~ **ARE** entitled to a prompt examination and 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 in connection with such examination, to bring them to a final determination without delay

1 except as it may be necessary to secure to the accused a fair and  
2 impartial examination.

3           **(2) THE ACCUSED IS NOT ENTITLED TO AN EXAMINATION UNDER**  
4 **SUBSECTION (1) IF THE PROSECUTING ATTORNEY FILES A COMPLAINT FOR**  
5 **WHICH AN EXAMINATION IS NOT TO BE PROVIDED UNDER SECTION 1A(2) OF**  
6 **CHAPTER IV.**

7           Sec. 4. Except as **OTHERWISE** provided in **SECTION 1 OF THIS**  
8 **CHAPTER AND** section 4 of chapter XIIIA of ~~Act No. 288 of the Public~~  
9 ~~Acts of 1939, being section 712A.4 of the Michigan Compiled Laws~~  
10 **THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.4**, the magistrate  
11 before whom any person is arraigned on a charge of having committed  
12 a felony shall set a day for a preliminary examination not  
13 exceeding 14 days after the arraignment. At the preliminary  
14 examination, a magistrate shall examine the complainant and the  
15 witnesses in support of the prosecution, on oath and, except as  
16 provided in section 2167 of the revised judicature act of 1961,  
17 ~~Act No. 236 of the Public Acts of 1961, being section 600.2167 of~~  
18 ~~the Michigan Compiled Laws~~ **1961 PA 236, MCL 600.2167**, in the  
19 presence of the accused, in regard to the offense charged and in  
20 regard to any other matters connected with the charge that the  
21 magistrate considers pertinent.