

# HOUSE BILL No. 4850

July 12, 2017, Introduced by Reps. Howrylak, LaGrand, Love and Lucido and referred to the Committee on Law and Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27 of chapter IV (MCL 764.27), as amended by 1996 PA 418.

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

CHAPTER IV

1  
2           Sec. 27. Except as otherwise provided in section 606 of the  
3 revised judicature act of 1961, ~~Act No. 236 of the Public Acts of~~  
4 ~~1961, being section 600.606 of the Michigan Compiled Laws, or~~  
5 ~~section 10a(1)(c) of Act No. 369 of the Public Acts of 1919, being~~  
6 ~~section 725.10a of the Michigan Compiled Laws, 1961 PA 236, MCL~~  
7 **600.606**, if a child less than ~~17~~**18** years of age is arrested, with  
8 or without a warrant, the child shall ~~shall~~**MUST** be taken immediately

1 before the family division of circuit court of the county where the  
2 offense is alleged to have been committed, and the officer making  
3 the arrest shall immediately make and file, or cause to be made and  
4 filed, a petition against the child as provided in chapter XIIIA of  
5 ~~Act No. 288 of the Public Acts of 1939, being sections 712A.1 to~~  
6 ~~712A.31 of the Michigan Compiled Laws. **THE PROBATE CODE OF 1939,**~~  
7 **1939 PA 288, MCL 712A.1 TO 712A.32.** Except as otherwise provided in  
8 section 606 of ~~Act No. 236 of the Public Acts of 1961 or section~~  
9 ~~10a(1)(c) of Act No. 369 of the Public Acts of 1919, **THE REVISED**~~  
10 **JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.606,** if during the  
11 pendency of a criminal case against a child in a court in this  
12 state it is ascertained that the child is less than ~~17~~**18** years of  
13 age, the court shall immediately transfer the case, together with  
14 all papers connected with the case, to the family division of  
15 circuit court of the county where the offense is alleged to have  
16 been committed. If a child 14 years of age or older is charged with  
17 a felony, the judge of probate, after investigation and examination  
18 and upon motion of the prosecuting attorney, may waive jurisdiction  
19 under section 4 of chapter XIIIA of ~~Act No. 288 of the Public Acts~~  
20 ~~of 1939, being section 712A.4 of the Michigan Compiled Laws. **THE**~~  
21 **PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.4.** If jurisdiction is  
22 waived, the child may be tried in the court having general criminal  
23 jurisdiction of the offense. ~~If during the pendency of a criminal~~  
24 ~~case against a child in a court of record other than the family~~  
25 ~~division of circuit court it is determined that the child is 17~~  
26 ~~years of age, the court, if the court finds that any of the~~  
27 ~~conditions exist as outlined in section 2(d) of chapter XIIIA of Act~~

1 ~~No. 288 of the Public Acts of 1939, as amended, being section~~  
2 ~~712A.2 of the Michigan Compiled Laws, upon motion of the~~  
3 ~~prosecuting attorney, the child, or his or her representative, may~~  
4 ~~transfer the case together with all papers connected with the case~~  
5 ~~to the family division of circuit court of the county where the~~  
6 ~~offense is alleged to have been committed.~~

7 Enacting section 1. This amendatory act takes effect 90 days  
8 after the date it is enacted into law.