

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

**767.41 Inquiry by prosecuting attorney into preliminary examination; statement of reasons for not filing information; direction by court to file proper information.**

Sec. 41.

The prosecuting attorney of the proper county shall inquire into and make full examination of all the facts and circumstances connected with a case of preliminary examination as provided by law, concerning the commission of an offense where the offender is committed to jail or becomes recognized or held to bail. If the prosecuting attorney determines in a case other than a major controlled substance offense that an information ought not be filed, he shall make and subscribe a statement, in writing, containing his reasons in fact and in law, for not filing an information in the case and shall file that statement with the clerk of the court at and during the term of the court at which the offender is held for appearance. The court may examine the statement, together with the evidence filed in the case and if, upon examination, the court is not satisfied with the statement, the prosecuting attorney shall be directed by the court to file the proper information and bring the case to trial.

**History:** 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17255 ;-- CL 1948, 767.41 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978

**Former Law:** See section 6 of Act 138 of 1859, being CL 1871, Å§ 7942; How., Å§ 9553; CL 1897, Å§ 11938; CL 1915, Å§ 15765; and Act 147 of 1863.