

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

766.13 Discharge of defendant or reduction of charge; binding defendant to appear for arraignment.

Sec. 13.

If the magistrate determines at the conclusion of the preliminary examination that a felony has not been committed or that there is not probable cause for charging the defendant with committing a felony, the magistrate shall either discharge the defendant or reduce the charge to an offense that is not a felony. If the magistrate determines at the conclusion of the preliminary examination that a felony has been committed and that there is probable cause for charging the defendant with committing a felony, the magistrate shall forthwith bind the defendant to appear within 14 days for arraignment before the circuit court of that county, or the magistrate may conduct the circuit court arraignment as provided by court rule.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17205 ;-- CL 1948, 766.13 ;-- Am. 1974, Act 63, Eff. May 1, 1974 ;-- Am. 2014, Act 123, Imd. Eff. May 20, 2014

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." Enacting section 1 of Act 123 of 2014 provides: "Enacting section 1. This amendatory act applies to cases in which the defendant is arraigned in district court or municipal court on or after January 1, 2015."

Former Law: See section 17 of Ch. 163 of R.S. 1846, being CL 1857, § 5993; CL 1871, § 7859; How., § 9470; CL 1897, § 11854; and CL 1915, § 15681.