

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.7415 Dismissal of case; reduction of charge; plea of guilty, guilty but mentally ill, or nolo contendere.

Sec. 7415.

(1) After the arraignment of a defendant on a warrant charging the defendant with the commission of any of the offenses specified in section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii), or with conspiracy to commit an offense specified in section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii), the examining magistrate shall not dismiss the case upon motion of the prosecuting attorney unless the dismissal is with prejudice, nor shall the examining magistrate permit the prosecuting attorney to reduce the charge if it appears to the examining magistrate at the conclusion of the preliminary examination that 1 or more of the offenses set forth in this subsection was committed and that there is probable cause for charging the defendant with a violation of 1 or more of the offenses.

(2) At or after the arraignment of a defendant on an indictment or information charging the defendant with the commission of any of the offenses specified in section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii), or with conspiracy to commit an offense specified in section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii), the court in which the indictment or information is filed shall not dismiss the case upon motion of the prosecuting attorney unless the dismissal is with prejudice, and the court shall not accept a plea of guilty, guilty but mentally ill, or nolo contendere unless, with the consent of the prosecuting attorney on the record, the defendant enters a plea of guilty, guilty but mentally ill, or nolo contendere to not less than 1 of the following felonies:

- (a) An offense described in section 7401(2)(a)(i), (ii), (iii), or (iv).
- (b) An offense described in section 7403(2)(a)(i), (ii), (iii), or (iv).
- (c) Conspiracy to commit an offense described in subdivision (a) or (b).

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1988, Act 144, Imd. Eff. June 6, 1988

Popular Name: Act 368