



**House  
Legislative  
Analysis  
Section**

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**CRIMINAL PROCEDURE: OBSOLETE SECTION**

**House Bill 4065 as introduced**  
**First Analysis (2-11-87)**

**Sponsor: Rep. Perry Bullard**  
**Committee: Judiciary**

H.B. 4065 (2-11-87)

***THE APPARENT PROBLEM:***

Generally, a person charged with an offense is brought before a magistrate (meaning a judge) in the county where the offense is charged to have been committed. Section 9 of the Code of Criminal Procedure provides for the right of a prisoner brought before a justice of the peace (an office which no longer exists in Michigan) to, if charged with committing an offense in a county other than the one where the arrest was made, demand to be brought before a magistrate of the county in which the arrest was made. In the technical revision of the code recommended by the Michigan Law Revision Commission and effected by Public Act 506 of 1980, this right essentially was incorporated into Section 4. Section 9 was to have been repealed, but was overlooked. The Law Revision Commission recommends repeal of Section 9.

***THE CONTENT OF THE BILL:***

The bill would repeal Section 9 of the Code of Criminal Procedure (MCL 764.9).

***FISCAL IMPLICATIONS:***

The bill has no fiscal implications.

***ARGUMENTS:***

***For:***

The bill would repeal an obsolete section of law in accordance with the recommendation of the Michigan Law Revision Commission.

***POSITIONS:***

The Michigan Law Revision Commission supports the bill (2-10-87).