

SFA

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 63 (as reported without amendment)

Sponsor: Senator Rudy J. Nichols

Committee: Judiciary

Date Completed: 5-12-87

JUN 02 1987

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RATIONALE

Section 9 of the Code of Criminal Procedure provides that if a person is arrested for an offense in a county other than the county where the offense is charged to have been committed, and if the offense charged in the warrant would fall under the jurisdiction of a justice of the peace, it is the duty of the police to take the arrested person before a magistrate of the county in which the arrest was made if requested by the arrested person. In 1980, Section 4 of the Code was rewritten to require that the same procedure be followed in all cases other than cases involving an offense for which bail may be denied, and to require that an arrested person, if he or she requests, be brought before a "magistrate of the judicial district" in which the arrest was made. It has been suggested that Section 9 is no longer applicable and should be repealed, since the procedures required under Section 9 are also now required under Section 4 to reflect the State's current court system.

CONTENT

The bill would amend the Code of Criminal Procedure to repeal a section that has been superseded by a more recently enacted section. The bill would repeal Section 9, which provides that if a person is arrested for an offense in a county other than the county where the offense is charged to have been committed, and if the offense charged in the warrant would fall under the jurisdiction of a justice of the peace, it is the duty of the police to take the arrested person before a magistrate of the county in which the arrest was made if requested by the arrested person.

MCL 764.9

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS***Supporting Argument***

The bill would eliminate an archaic section of the Code of Criminal Procedure that has been rendered obsolete by amendments to the Code. Section 9 not only was superseded by Section 4, but also contains a reference to the office of the justice of the peace, which was abolished by the State Constitution of 1963.

Legislative Analyst: G. Towne

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.