

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

767.5 Proceedings before trial; failure of witnesses to appear or answer questions; hearing, penalty; commutation or suspension of sentence.

Constitutionality: <Paragraph><P>This section, in regard to a contemnor appearing before a judge to purge himself and the discretion of the judge to commute or suspend further execution of a sentence, insofar as criminal contempt is concerned, constitutes an unconstitutional delegation by the legislature to the judicial branch of government of a power which exists only in the executive. <Emph EmphType="underscore">People</Emph> v <Emph EmphType="underscore">Joseph</Emph>, 384 Mich 24; 179 NW2d 383 (1970).</P></Paragraph>

Former Law: <Paragraph><P>See section 3 of Act 196 of 1917. </P></Paragraph>