#### SUBSTITUTE FOR

## SENATE BILL NO. 932

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8512, 8512a, and 8513 (MCL 600.8512, 600.8512a, and 600.8513), section 8512 as amended by 1995 PA 54, section 8512a as added by 1984 PA 278, and section 8513 as amended by 2008 PA 95.

#### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 8512. (1) A district court magistrate may hear and
 preside over civil infraction admissions, and admissions with
 explanation, MOTIONS TO SET ASIDE DEFAULT OR WITHDRAW ADMISSIONS,
 and conduct informal hearings in civil infraction actions pursuant
 to-UNDER section 746 of the Michigan vehicle code, Act No. 300 of
 the Public Acts of 1949, being section 257.746 of the Michigan
 Compiled Laws, 1949 PA 300, MCL 257.746, OR section 8719 , or

### S04448'13 (S-1)

TLG

section 8819 OF THIS ACT, as applicable. In exercising the 1 2 authority conferred by this subsection, the A DISTRICT COURT magistrate may administer oaths, examine witnesses, and make 3 4 findings of fact and conclusions of law. If the A defendant is 5 determined to be responsible for a civil infraction, the **DISTRICT** 6 **COURT** magistrate may impose the civil sanctions authorized by section 907 of Act No. 300 of the Public Acts of 1949, being 7 section 257.907 of the Michigan Compiled Laws, section 8727, THE 8 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.907, or section 8827 OF 9 10 THIS ACT, as applicable.

11 (2) A district court magistrate shall not conduct an informal 12 hearing in a civil infraction action involving a traffic or parking 13 violation governed by Act No. 300 of the Public Acts of 1949, being 14 sections 257.1 to 257.923 of the Michigan Compiled Laws, THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, until he 15 16 or she has successfully completed a special training course in 17 traffic law adjudication and sanctions. The course shall be given 18 periodically by the state court administrator.

19 (3) A district court magistrate may exercise the authority
20 conferred by this section only to the extent expressly authorized
21 by the chief judge, presiding judge, or only judge of the district
22 court district.

Sec. 8512a. Only to the extent expressly authorized by the chief judge, presiding judge, or only judge of the district court district, a district court magistrate may do 1 or more of the following:

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(a) Accept an admission of responsibility, DECIDE A MOTION TO

### S04448'13 (S-1)

TLG

2

SET ASIDE A DEFAULT OR WITHDRAW AN ADMISSION, and order civil
 sanctions for a civil infraction and order an appropriate civil
 sanction permitted by the statute or ordinance defining the act or
 omission.

5 (b) Accept a plea of guilty or nolo contendere and impose
6 sentence for a misdemeanor or ordinance violation punishable by a
7 fine and which is not punishable by imprisonment by the terms of
8 the statute or ordinance creating the offense.

9 Sec. 8513. (1) When authorized by the chief judge of the district and whenever a district judge is not immediately 10 11 available, a district court magistrate may conduct the first 12 appearance of a defendant before the court in all criminal and ordinance violation cases, including acceptance of any written 13 14 demand or waiver of preliminary examination and acceptance of any written demand or waiver of jury trial. However, this section does 15 not authorize a district court magistrate to accept a plea of 16 17 guilty or nolo contendere not expressly authorized pursuant to UNDER section 8511 or 8512a. A defendant neither demanding nor 18 19 waiving preliminary examination in writing is deemed to have 20 demanded preliminary examination and a defendant neither demanding nor waiving jury trial in writing is considered to have demanded a 21 22 jury trial.

23 (2) If authorized by the chief judge of the district, a24 district court magistrate may do any of the following:

(a) Approve and grant petitions for the appointment of an
attorney to represent an indigent defendant accused of any
misdemeanor punishable by imprisonment for not more than 1 year or

# S04448'13 (S-1)

TLG

3

1 ordinance violation punishable by imprisonment.

2 (b) Suspend payment of court fees by an indigent party in any
3 civil, small claims, or summary proceedings action, until after
4 judgment has been entered.

5 (c) Upon written authorization of the prosecuting or city 6 attorney, sign a nolle prosequi ,-dismissing any criminal or ordinance violation case over which the district court has 7 jurisdiction and release any bail bond or bail bond deposit to the 8 persons entitled to the bail bond or deposit. However, if the 9 preliminary examination or trial has commenced or a plea of guilty 10 11 or nolo contendere has been accepted by a district court judge, the 12 dismissal order may be entered only by that judge or his or her alternate. 13

14 (d) Execute and issue process to carry into effect authority15 expressly granted by law to district court magistrates.

16 (3) A district court magistrate, for acts done within his or 17 her jurisdiction as provided EXPRESSLY AUTHORIZED BY THE CHIEF 18 JUDGE AND by law, has judicial immunity to the extent accorded a 19 district court judge.

4