

Act No. 384
Public Acts of 2014
Approved by the Governor
December 18, 2014
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STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014

Introduced by Senators Jones, Hansen, Nofs and Proos

ENROLLED SENATE BILL No. 932

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," 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, admissions with explanation, motions to set aside default or withdraw admissions, and conduct informal hearings in civil infraction actions under section 746 of the Michigan vehicle code, 1949 PA 300, MCL 257.746, or section 8719 or section 8819 of this act, as applicable. In exercising the authority conferred by this subsection, a district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law. If a defendant is determined to be responsible for a civil infraction, the district court magistrate may impose the civil sanctions authorized by section 907 of the Michigan vehicle code, 1949 PA 300, MCL 257.907, or section 8827 of this act, as applicable.

(2) A district court magistrate shall not conduct an informal hearing in a civil infraction action involving a traffic or parking violation governed by the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, until he or she has successfully completed a special training course in traffic law adjudication and sanctions. The course shall be given periodically by the state court administrator.

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

(a) Accept an admission of responsibility, decide a motion to 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.

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

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

(2) If authorized by the chief judge of the district, a 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 ordinance violation punishable by imprisonment.

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

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

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

(3) A district court magistrate, for acts expressly authorized by the chief judge and by law, has judicial immunity to the extent accorded a district court judge.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor