

# HOUSE BILL No. 4249

February 12, 1991, Introduced by Reps. Perry Bullard, Dalman, Bouchard, Strand, Pitoniak, Profit, Dobronski, Hertel, Wozniak, Saunders, Leland and Baade and referred to the Committee on Judiciary.

A bill to amend sections 8251 and 8507 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

section 8251 as amended by Act No. 135 of the Public Acts of 1988 and section 8507 as amended by Act No. 294 of the Public Acts of 1980, being sections 600.8251 and 600.8507 of the Michigan Compiled Laws; and to add sections 8504 and 8505.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 8251 and 8507 of Act No. 236 of the  
2 Public Acts of 1961, section 8251 as amended by Act No. 135 of  
3 the Public Acts of 1988 and section 8507 as amended by Act  
4 No. 294 of the Public Acts of 1980, being sections 600.8251 and  
5 600.8507 of the Michigan Compiled Laws, are amended and sections  
6 8504 and 8505 are added to read as follows:

1       Sec. 8251. (1) In districts of the first class, the court  
2 shall sit at each county seat and at each city having a  
3 population of 3,250 or more, except the court shall not be  
4 required to sit at any city ~~when~~ IF it is contiguous to the  
5 county seat or contiguous to a city having a greater population.  
6 The court shall also sit at other places as the judges of the  
7 district determine. The court shall sit not less than once each  
8 week in each county of a multicounty district.

9       (2) In districts of the second class, the court shall sit at  
10 any county seat within the district, at each city and incorpo-  
11 rated village within the district having a population of 3,250 or  
12 more, except that ~~when~~ IF 2 or more cities or incorporated vil-  
13 lages are contiguous the court need sit only in the city having  
14 the greater population. The court shall not be required to sit  
15 in any political subdivision if the governing body of that subdi-  
16 vision by resolution and the court agree that the court shall not  
17 sit in the political subdivision. If the district does not con-  
18 tain a county seat and does not contain any city or incorporated  
19 village having a population of 3,250 or more, the court shall sit  
20 at a place or places within the district ~~which~~ THAT the judges  
21 of the district ~~shall~~ determine. In addition to the place or  
22 places where the court is required to sit, the court may upon  
23 agreement of a majority of the judges of the district and upon  
24 approval by resolution of the board of commissioners also sit at  
25 the county seat of its district control unit situated outside the  
26 district, but the court shall sit not less than once each week  
27 within the district. If the district does not contain any city,

1 then the foregoing provisions of this subsection ~~shall~~ DO not  
2 apply to the district, and the court shall sit at the county seat  
3 of its district control unit situated outside the district. In  
4 addition to the place or places where the court is required to  
5 sit pursuant to the provisions of this subsection, the court may  
6 sit at a place or places within the district as the judges of the  
7 district determine. ~~Whenever~~ IF the court sits at a county  
8 seat situated outside the district pursuant to this subsection,  
9 it shall exercise the same powers, jurisdiction, and venue as if  
10 sitting within the district.

11 (3) In districts of the third class, the court shall sit at  
12 each city having a population of 3,250 or more and within each  
13 township having a population of 12,000 or more and at other  
14 places as the judges of the district determine. The court shall  
15 not be required to sit in any political subdivision if the gov-  
16 erning body of that subdivision by resolution and the court agree  
17 that the court shall not sit in the political subdivision.

18 (4) Each judge of the district shall sit at places within  
19 the district as the presiding judge designates.

20 (5) THE CHIEF JUDGES OF 2 OR MORE DISTRICTS OF THE DISTRICT  
21 COURT WITHIN A COUNTY ACTING JOINTLY OR, IF THEY ARE UNABLE TO  
22 AGREE, THE CHIEF JUDGE OF THE JUDICIAL CIRCUIT IN WHICH THE DIS-  
23 TRICTS ARE LOCATED, MAY DESIGNATE A LOCATION WHERE A JUDGE OR  
24 MAGISTRATE MAY CONDUCT ARRAIGNMENTS OR PERFORM OTHER DUTIES, AS  
25 PERMITTED BY LAW AND AS AUTHORIZED BY THE CHIEF JUDGES, OUTSIDE  
26 OF NORMAL COURT HOURS FOR 2 OR MORE DISTRICTS WITHIN THAT  
27 COUNTY.

1 (6) THE CHIEF JUDGE OF A MULTICOUNTY DISTRICT MAY DESIGNATE  
2 A LOCATION WHERE A JUDGE OR MAGISTRATE MAY CONDUCT ARRAIGNMENTS  
3 OR PERFORM OTHER DUTIES, AS PERMITTED BY LAW AND AS AUTHORIZED BY  
4 THE CHIEF JUDGE, OUTSIDE OF NORMAL COURT HOURS FOR THE MULTI-  
5 COUNTY DISTRICT.

6 (7) ~~(5) Whenever the word~~ AS USED IN THIS SECTION,  
7 "population" ~~is used, it~~ means population according to the most  
8 recent federal decennial census, except that the most recent  
9 census shall not apply until the expiration of 18 months from the  
10 date on which the census is taken.

11 SEC. 8504. (1) AS USED IN THIS SECTION:

12 (A) "MULTICOUNTY DISTRICT AREA" MEANS AN AREA COMPOSED OF A  
13 MULTICOUNTY DISTRICT OF THE DISTRICT COURT PARTICIPATING OR PRO-  
14 POSING TO PARTICIPATE IN A MULTICOUNTY DISTRICT PLAN.

15 (B) "MULTICOUNTY DISTRICT PLAN" MEANS AN ARRANGEMENT IN  
16 WHICH A DISTRICT COURT MAGISTRATE IS APPOINTED OR AUTHORIZED TO  
17 CONDUCT ARRAIGNMENTS OR OTHER DUTIES OUTSIDE OF NORMAL COURT  
18 HOURS FOR ALL COUNTIES WITHIN THE MULTICOUNTY DISTRICT AREA.

19 (2) THE CHIEF JUDGE OF A MULTICOUNTY DISTRICT MAY CREATE A  
20 MULTICOUNTY DISTRICT PLAN SUBJECT TO ALL OF THE FOLLOWING LIMITA-  
21 TIONS AND REQUIREMENTS:

22 (A) THE MULTICOUNTY DISTRICT PLAN SHALL BE IN WRITING AND  
23 SIGNED BY THE CHIEF JUDGE OF THE DISTRICT.

24 (B) THE MULTICOUNTY DISTRICT PLAN SHALL INCLUDE BUT NOT BE  
25 LIMITED TO PROVISIONS REGARDING COMPENSATION FOR THE DISTRICT  
26 COURT MAGISTRATE, ANY SUPPORT PERSONNEL, AND USE OF FACILITIES.

1 (C) THE MULTICOUNTY DISTRICT PLAN IS SUBJECT TO APPROVAL BY  
2 THE STATE COURT ADMINISTRATOR.

3 (3) THE CHIEF JUDGE OF THE DISTRICT WITHIN A MULTICOUNTY  
4 DISTRICT AREA MAY APPOINT OR AUTHORIZE A DISTRICT COURT MAGIS-  
5 TRATE FOR THE MULTICOUNTY DISTRICT AREA. A MAGISTRATE APPOINTED  
6 OR AUTHORIZED PURSUANT TO THIS SUBSECTION SHALL BE A REGISTERED  
7 ELECTOR OF 1 OF THE COUNTIES OF THE MULTICOUNTY DISTRICT AREA IN  
8 WHICH HE OR SHE IS APPOINTED OR AUTHORIZED. THE APPOINTMENT OF A  
9 PERSON AS MAGISTRATE PURSUANT TO THIS SUBSECTION IS SUBJECT TO  
10 APPROVAL BY THE DISTRICT CONTROL UNITS WITHIN THE MULTICOUNTY  
11 DISTRICT AREA.

12 (4) A DISTRICT COURT MAGISTRATE FOR A MULTICOUNTY DISTRICT  
13 AREA MAY CONDUCT ARRAIGNMENTS OR PERFORM OTHER DUTIES, AS PERMIT-  
14 TED BY LAW AND AS AUTHORIZED BY THE CHIEF JUDGE WHO APPOINTED THE  
15 MAGISTRATE, OUTSIDE OF NORMAL COURT HOURS FOR ALL COUNTIES WITHIN  
16 THAT MULTICOUNTY DISTRICT AREA.

17 SEC. 8505. (1) AS USED IN THIS SECTION:

18 (A) "MULTIPLE DISTRICT AREA" MEANS AN AREA COMPOSED OF 2 OR  
19 MORE DISTRICTS OF THE DISTRICT COURT WITHIN A COUNTY PARTICIPAT-  
20 ING OR PROPOSING TO PARTICIPATE IN A MULTIPLE DISTRICT PLAN.

21 (B) "MULTIPLE DISTRICT PLAN" MEANS AN ARRANGEMENT IN WHICH A  
22 DISTRICT COURT MAGISTRATE IS APPOINTED OR AUTHORIZED TO CONDUCT  
23 ARRAIGNMENTS OR PERFORM OTHER DUTIES OUTSIDE OF NORMAL COURT  
24 HOURS FOR ALL OF THE DISTRICTS WITHIN A MULTIPLE DISTRICT AREA.

25 (2) THE CHIEF JUDGES OF 2 OR MORE DISTRICTS OF THE DISTRICT  
26 COURT WITHIN A COUNTY ACTING JOINTLY OR, IF THEY ARE UNABLE TO  
27 AGREE, THE CHIEF JUDGE OF THE JUDICIAL CIRCUIT IN WHICH THE

1 DISTRICTS ARE LOCATED, MAY CREATE A MULTIPLE DISTRICT PLAN  
2 SUBJECT TO ALL OF THE FOLLOWING LIMITATIONS AND REQUIREMENTS:

3 (A) THE MULTIPLE DISTRICT PLAN SHALL BE IN WRITING AND SHALL  
4 BE SIGNED BY ALL OF THE CHIEF JUDGES OF THE DISTRICTS IN THE  
5 MULTIPLE DISTRICT AREA.

6 (B) THE MULTIPLE DISTRICT PLAN SHALL INCLUDE BUT NOT BE  
7 LIMITED TO PROVISIONS REGARDING COMPENSATION FOR THE DISTRICT  
8 COURT MAGISTRATE AND ANY SUPPORT PERSONNEL, USE OF FACILITIES,  
9 AND SUPERINTENDING CONTROL OF THE MAGISTRATE.

10 (C) ANY JUDGE WHO WILL ACT OUTSIDE THE DISTRICT FOR WHICH HE  
11 OR SHE IS ELECTED PURSUANT TO A MULTIPLE DISTRICT PLAN UNDER THIS  
12 SECTION MUST BE ASSIGNED BY THE SUPREME COURT TO ACT AS A DIS-  
13 TRICT JUDGE FOR THE DISTRICT OR DISTRICTS DESIGNATED BY THE  
14 PLAN.

15 (D) THE MULTIPLE DISTRICT PLAN IS SUBJECT TO APPROVAL BY THE  
16 STATE COURT ADMINISTRATOR.

17 (3) A MULTIPLE DISTRICT PLAN MAY AUTHORIZE A DISTRICT COURT  
18 MAGISTRATE APPOINTED PURSUANT TO SECTION 8501 TO SERVE ANYWHERE  
19 WITHIN THE MULTIPLE DISTRICT AREA.

20 (4) THE CHIEF JUDGES OF ALL OF THE DISTRICTS WITHIN A MULTI-  
21 PLE DISTRICT AREA ACTING JOINTLY MAY APPOINT A DISTRICT COURT  
22 MAGISTRATE FOR THE MULTIPLE DISTRICT AREA. A MAGISTRATE  
23 APPOINTED PURSUANT TO THIS SUBSECTION SHALL BE A REGISTERED ELEC-  
24 TOR OF THE MULTIPLE DISTRICT AREA IN WHICH HE OR SHE IS  
25 APPOINTED. THE APPOINTMENT OF A PERSON AS MAGISTRATE PURSUANT TO  
26 THIS SUBSECTION IS SUBJECT TO APPROVAL BY THE GOVERNING BODY OR  
27 BODIES OF THE DISTRICT CONTROL UNIT OR UNITS THAT, INDIVIDUALLY

1 OR IN THE AGGREGATE, CONTAIN MORE THAN 50% OF THE POPULATION OF  
2 THE MULTIPLE DISTRICT AREA.

3 (5) A DISTRICT COURT MAGISTRATE FOR A MULTIPLE DISTRICT AREA  
4 MAY CONDUCT ARRAIGNMENTS OR PERFORM OTHER DUTIES, AS PERMITTED BY  
5 LAW AND AS AUTHORIZED BY THE CHIEF JUDGES WHO APPOINTED THE MAG-  
6 ISTRATE, OUTSIDE OF NORMAL COURT HOURS FOR ALL DISTRICTS WITHIN  
7 THAT MULTIPLE DISTRICT AREA.

8 Sec. 8507. (1) Magistrates shall be registered electors in  
9 the county in which they are appointed. All magistrates  
10 appointed shall serve at the pleasure of the judges of the dis-  
11 trict court. Before assuming office, persons appointed magis-  
12 trates shall take the constitutional oath of office and file a  
13 bond with the county treasurer in an amount determined by the  
14 state court administrator. The bond shall also apply to tempo-  
15 rary service in another county under subsection (2) OR (3).

16 (2) In a MULTICOUNTY district of the first class, ~~which~~  
17 ~~consists of more than 1 county,~~ if a magistrate is temporarily  
18 absent or incapacitated, the district judge may direct a magis-  
19 trate of another county of the same district to serve temporarily  
20 in the county where the magistrate is temporarily absent or  
21 incapacitated. The district judge shall make his or her order in  
22 writing. A magistrate serving temporarily under this subsection  
23 shall not be entitled to additional compensation but shall be  
24 reimbursed for actual and necessary expenses incurred during the  
25 authorized temporary service upon certification and approval by  
26 the state court administrator. Upon allowance, the reimbursement

1 shall be paid by the state treasurer out of the appropriation for  
2 the state court administrative office.

3 (3) IN A MULTICOUNTY DISTRICT OF THE FIRST CLASS, A MAGIS-  
4 TRATE MAY SERVE IN ANY COUNTY OF THE DISTRICT PURSUANT TO A MUL-  
5 TICOUNTY DISTRICT PLAN UNDER SECTION 8504.