

HOUSE BILL No. 5618

March 5, 1992, Introduced by Reps. Dobb, Perry Bullard, Dolan, Berman, Nye, McNutt, O'Connor, Johnson, Martin, Fitzgerald, Shugars, London, Gire, Webb, Dalman, Knight, Mathieu, Sparks, Jamian, Goss, Bobier, Power, Profit, Yokich and Niederstadt and referred to the Committee on Judiciary.

A bill to amend section 8251 of Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
as amended by Act No. 135 of the Public Acts of 1988, being
section 600.8251 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8251 of Act No. 236 of the Public Acts
2 of 1961, as amended by Act No. 135 of the Public Acts of 1988,
3 being section 600.8251 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 8251. (1) In districts of the first class the court
6 shall sit at each county seat and at each city having a popula-
7 tion of 3,250 or more except the court shall not be required to
8 sit at any city when it is contiguous to the county seat or
9 contiguous to a city having a greater population. The court

1 shall also sit at other places as the judges of the district
2 determine. The court shall sit not less than once each week in
3 each county of a multicounty district.

4 (2) In districts of the second class the court shall sit at
5 any county seat within the district ~~, at each city and incorpo-~~
6 ~~rated village within the district having a population of 3,250 or~~
7 ~~more except that when 2 or more cities or incorporated villages~~
8 ~~are contiguous the court need sit only in the city having the~~
9 ~~greater population. The court shall not be required to sit in~~
10 ~~any political subdivision if the governing body of that subdivi-~~
11 ~~sion by resolution and the court agree that the court shall not~~
12 ~~sit in the political subdivision. If the district does not con-~~
13 ~~tain a county seat and does not contain any city or incorporated~~
14 ~~village having a population of 3,250 or more, the court shall sit~~
15 ~~at a place or places within the district which the judges of the~~
16 ~~district shall determine.~~ AND AT OTHER LOCATIONS DETERMINED AS
17 FOLLOWS:

18 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B) OR (C), THE COURT
19 SHALL SIT ACCORDING TO EITHER OF THE FOLLOWING:

20 (i) AT THE POLITICAL SUBDIVISION OR SUBDIVISIONS IN THE DIS-
21 TRICT WHERE THE COURT WAS SITTING BEFORE THE EFFECTIVE DATE OF
22 THE 1992 AMENDATORY ACT THAT ADDED THIS SUBDIVISION.

23 (ii) AT A PLACE OR PLACES WITHIN THE DISTRICT AS THE DIS-
24 TRICT CONTROL UNIT DETERMINES, SUBJECT TO THE APPROVAL OF THE
25 CHIEF DISTRICT JUDGE AND THE SUPREME COURT. UPON DETERMINING A
26 PLACE WHERE THE COURT WILL SIT, THE DISTRICT CONTROL UNIT SHALL
27 DELIVER WRITTEN NOTICE OF THE DETERMINATION, BY FIRST-CLASS MAIL,

1 TO THE CHIEF JUDGE OF THE DISTRICT AND TO THE SUPREME COURT. THE
2 DETERMINATION SHALL TAKE EFFECT UPON THE APPROVAL OF BOTH THE
3 CHIEF JUDGE AND THE SUPREME COURT, EXCEPT THAT THE DETERMINATION
4 SHALL BE CONSIDERED APPROVED IF NEITHER THE CHIEF JUDGE NOR THE
5 SUPREME COURT DISAPPROVES THE DETERMINATION WITHIN A PERIOD OF 30
6 DAYS AFTER THE WRITTEN NOTICE OF DETERMINATION WAS MAILED TO
7 THOSE PARTIES.

8 (B) In addition to the place or places where the court is
9 required to sit, the court may upon agreement of a majority of
10 the judges of the district and upon approval by resolution of the
11 board of commissioners also sit at the county seat of its dis-
12 trict control unit situated outside the district, but the court
13 shall sit not less than once each week within the district. ~~If~~
14 ~~the district does not contain any city, then the foregoing provi-~~
15 ~~sions of this subsection shall not apply to the district, and the~~
16 ~~court shall sit at the county seat of its district control unit~~
17 ~~situated outside the district.~~

18 (C) In addition to the place or places where the court is
19 required to sit pursuant to ~~the~~ OTHER provisions of this sub-
20 section, the court may sit at a place or places within the dis-
21 trict as the judges of the district determine.

22 (D) Whenever the court sits at a county seat situated out-
23 side the district pursuant to this subsection, it shall exercise
24 the same powers, jurisdiction, and venue as if sitting within the
25 district.

26 (3) In districts of the third class the court shall sit at
27 each city having a population of 3,250 or more and within each

1 township having a population of 12,000 or more and at other
2 places as the judges of the district determine. The court shall
3 not be required to sit in any political subdivision if the gov-
4 erning body of that subdivision by resolution and the court agree
5 that the court shall not sit in the political subdivision.

6 (4) Each judge of the district shall sit at places within
7 the district as the ~~presiding~~ CHIEF judge designates.

8 (5) Whenever the word "population" is used, it means popula-
9 tion according to the most recent federal decennial census,
10 except that the most recent census shall not apply until the
11 expiration of 18 months from the date on which the census is
12 taken.