



HOUSE BILL No. 4347

February 24, 1993, Introduced by Reps. Dobb, Nye, Johnson, Dolan, Byrum, Stille, McNutt, Dalman, Gubow, Baade, Jaye, Gire, Yokich, Sikkema, Martin, DeLange, Middleton, Pitoniak, Shugars, Crissman, Oxender, Fitzgerald, Mathieu, Freeman, McBryde, Galloway, Lowe, Cropsey, Bandstra, Jondahl, Brown and Profit 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~~ A DISTRICT of the first class
6 the court shall sit at each county seat and at each city having a
7 population of 3,250 or more except the court shall not be
8 required to sit at any city ~~when it~~ THAT is contiguous to the

1 county seat or contiguous to a city having a greater population.
2 The court shall also sit at other places as the judges of the
3 district determine. The court shall sit not less than once each
4 week in each county of a multicounty district.

5 (2) In ~~districts~~ A DISTRICT of the second class WITHIN
6 MACOMB COUNTY, the court shall sit at any county seat within the
7 district ~~—~~ AND at each city and incorporated village within the
8 district having a population of 3,250 or more except that ~~when~~
9 IF 2 or more cities or incorporated villages are contiguous the
10 court need sit only in the city having the greater population.
11 The court shall not be required to sit in any political subdivi-
12 sion if the governing body of that subdivision by resolution and
13 the court agree that the court shall not sit in the political
14 subdivision. ~~If the district does not contain a county seat and~~
15 ~~does not contain any city or incorporated village having a popu-~~
16 ~~lation of 3,250 or more, the court shall sit at a place or places~~
17 ~~within the district which the judges of the district shall~~
18 ~~determine.~~ IN A DISTRICT OF THE SECOND CLASS WITHIN ANY COUNTY
19 OTHER THAN MACOMB COUNTY, THE COURT SHALL SIT AT ANY COUNTY SEAT
20 WITHIN THE DISTRICT AND AT OTHER LOCATIONS DETERMINED AS
21 FOLLOWS:

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

24 (i) AT THE POLITICAL SUBDIVISION OR SUBDIVISIONS IN THE DIS-
25 TRICT WHERE THE COURT WAS SITTING BEFORE THE EFFECTIVE DATE OF
26 THE 1993 AMENDATORY ACT THAT ADDED THIS SUBDIVISION.

1 (ii) AT A PLACE OR PLACES WITHIN THE DISTRICT AS THE
2 DISTRICT CONTROL UNIT DETERMINES, SUBJECT TO THE APPROVAL OF THE
3 CHIEF DISTRICT JUDGE AND THE SUPREME COURT. IN DETERMINING A
4 PLACE WHERE THE COURT SITS, THE DISTRICT CONTROL UNIT SHALL CON-
5 sider THE COST OF PROVIDING AND OPERATING A FACILITY AT THAT
6 LOCATION, THE PROXIMITY OF THE LOCATION TO THE POPULATION CENTER
7 OF THE DISTRICT OR ELECTION DIVISION, AND THE ACCESSIBILITY OF
8 THE LOCATION TO LITIGANTS, WITNESSES, JURORS, AND LAW ENFORCEMENT
9 OFFICERS. UPON DETERMINING A PLACE WHERE THE COURT WILL SIT, THE
10 DISTRICT CONTROL UNIT SHALL DELIVER WRITTEN NOTICE OF THE DETER-
11 MINATION, BY FIRST-CLASS MAIL, TO THE CHIEF JUDGE OF THE DISTRICT
12 AND TO THE SUPREME COURT. THE DETERMINATION SHALL TAKE EFFECT
13 UPON THE APPROVAL OF BOTH THE CHIEF JUDGE AND THE SUPREME COURT,
14 EXCEPT THAT THE DETERMINATION SHALL BE CONSIDERED APPROVED IF
15 NEITHER THE CHIEF JUDGE NOR THE SUPREME COURT DISAPPROVES THE
16 DETERMINATION WITHIN A PERIOD OF 30 DAYS AFTER THE WRITTEN NOTICE
17 OF DETERMINATION IS MAILED TO THOSE PARTIES.

18 (B) In addition to the place or places where the court is
19 required to sit, the court may upon agreement of a majority of
20 the judges of the district and upon approval by resolution of the
21 board of commissioners also sit at the county seat of its dis-
22 trict control unit situated outside the district, but the court
23 shall sit not less than once each week within the district. ~~If~~
24 ~~the district does not contain any city, then the foregoing provi-~~
25 ~~sions of this subsection shall not apply to the district, and the~~
26 ~~court shall sit at the county seat of its district control unit~~
27 ~~situated outside the district.~~

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

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

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

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

18 (5) ~~Whenever the word "population" is used, it means~~ FOR
19 PURPOSES OF THIS SECTION, population SHALL BE DETERMINED accord-
20 ing to the most recent federal decennial census, except that the
21 most recent census ~~shall~~ DOES not apply until the expiration of
22 18 months ~~from~~ AFTER the date on which the census is taken.