



HOUSE BILL No. 4602

April 1, 1993, Introduced by Rep. Galloway 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 section 8504.

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 section
6 8504 is 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, AND at each city and incor-
11 porated village within the district having a population of 3,250
12 or more, except that ~~when~~ IF 2 or more cities or incorporated
13 villages are contiguous the court need sit only in the city
14 having the greater population. The court shall not be required
15 to sit in any political subdivision if the governing body of that
16 subdivision by resolution and the court agree that the court
17 shall not sit in the political subdivision. If the district does
18 not contain a county seat and does not contain any city or incor-
19 porated village having a population of 3,250 or more, the court
20 shall sit at a place or places within the district ~~which~~ AS the
21 judges of the district ~~shall~~ determine. In addition to the
22 place or places where the court is required to sit, the court may
23 upon agreement of a majority of the judges of the district and
24 upon approval by resolution of the board of commissioners also
25 sit at the county seat of its district control unit situated out-
26 side the district, but the court shall sit not less than once
27 each week within the district. If the district does not contain

1 any city, then the foregoing provisions of this subsection
2 ~~shall~~ DO not apply to the district, and the court shall sit at
3 the county seat of its district control unit situated outside the
4 district. In addition to the place or places where the court is
5 required to sit pursuant to the provisions of this subsection,
6 the court may sit at a place or places within the district as the
7 judges of the district determine. ~~Whenever~~ IF the court sits
8 at a county seat situated outside the district pursuant to this
9 subsection, it shall exercise the same powers, jurisdiction, and
10 venue as if 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 THE DISTRICTS OF THE DISTRICT COURT
21 WITHIN A MULTIPLE DISTRICT AREA ACTING JOINTLY OR, IF THEY ARE
22 UNABLE TO AGREE, THE CHIEF JUDGE OF THE JUDICIAL CIRCUIT IN WHICH
23 THE DISTRICTS ARE LOCATED OR IN WHICH A PORTION OF EACH DISTRICT
24 IS LOCATED, MAY DESIGNATE A LOCATION WHERE A JUDGE OR MAGISTRATE
25 MAY CONDUCT ARRAIGNMENTS, APPOINT COUNSEL, SET BAIL OR RECOGNI-
26 ZANCES, OR MAKE DETERMINATIONS OF PROBABLE CAUSE AND ISSUE
27 WARRANTS, FOR THE DISTRICTS WITHIN THE MULTIPLE DISTRICT AREA.

1 (6) ~~(5) Whenever the word "population" is used, it~~ AS USED
2 IN THIS SECTION:

3 (A) "POPULATION" means population according to the most
4 recent federal decennial census, except that the most recent
5 census shall not apply until the expiration of 18 months from the
6 date on which the census is taken.

7 (B) "MULTIPLE DISTRICT AREA" MEANS THAT TERM AS DEFINED IN
8 SECTION 8504.

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

10 (A) "MULTIPLE DISTRICT AREA" MEANS AN AREA COMPOSED OF 2 OR
11 MORE DISTRICTS OF THE DISTRICT COURT WITHIN A JUDICIAL CIRCUIT,
12 INCLUDING A DISTRICT OF WHICH ONLY A PORTION LIES WITHIN THE
13 JUDICIAL CIRCUIT, PARTICIPATING OR PROPOSING TO PARTICIPATE IN A
14 MULTIPLE DISTRICT PLAN.

15 (B) "MULTIPLE DISTRICT PLAN" MEANS AN ARRANGEMENT IN WHICH A
16 DISTRICT COURT JUDGE OR MAGISTRATE IS APPOINTED OR AUTHORIZED TO
17 CONDUCT ARRAIGNMENTS, APPOINT COUNSEL, SET BAIL OR RECOGNIZANCES,
18 OR MAKE DETERMINATIONS OF PROBABLE CAUSE AND ISSUE WARRANTS, FOR
19 ALL OF THE DISTRICTS WITHIN A MULTIPLE DISTRICT AREA.

20 (2) THE CHIEF JUDGES OF 2 OR MORE DISTRICTS OF THE DISTRICT
21 COURT WITHIN A JUDICIAL CIRCUIT, INCLUDING ANY DISTRICT OF WHICH
22 A PORTION LIES WITHIN THE JUDICIAL CIRCUIT, ACTING JOINTLY OR, IF
23 THEY ARE UNABLE TO AGREE, THE CHIEF JUDGE OF THE JUDICIAL CIRCUIT
24 IN WHICH THE DISTRICTS ARE LOCATED OR IN WHICH A PORTION OF A
25 DISTRICT IS LOCATED, MAY CREATE A MULTIPLE DISTRICT PLAN OR PLANS
26 SUBJECT TO ALL OF THE FOLLOWING LIMITATIONS AND REQUIREMENTS:

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

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

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

13 (D) A MULTIPLE DISTRICT PLAN IS SUBJECT TO APPROVAL BY THE
14 STATE COURT ADMINISTRATOR.

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

18 (4) PURSUANT TO A MULTIPLE DISTRICT PLAN, THE CHIEF JUDGES
19 OF ALL OF THE DISTRICTS WITHIN A MULTIPLE DISTRICT AREA ACTING
20 JOINTLY MAY APPOINT A DISTRICT COURT MAGISTRATE FOR THE MULTIPLE
21 DISTRICT AREA. A MAGISTRATE APPOINTED PURSUANT TO THIS SUBSEC-
22 TION SHALL BE A REGISTERED ELECTOR OF THE MULTIPLE DISTRICT AREA
23 IN WHICH HE OR SHE IS APPOINTED. THE APPOINTMENT OF A PERSON AS
24 MAGISTRATE PURSUANT TO THIS SUBSECTION IS SUBJECT TO APPROVAL BY
25 THE GOVERNING BODY OR BODIES OF THE DISTRICT CONTROL UNIT OR
26 UNITS THAT, INDIVIDUALLY OR IN THE AGGREGATE, CONTAIN MORE THAN
27 50% OF THE POPULATION OF THE MULTIPLE DISTRICT AREA.

1 (5) A DISTRICT COURT MAGISTRATE FOR A MULTIPLE DISTRICT AREA
2 MAY CONDUCT ARRAIGNMENTS, APPOINT COUNSEL, SET BAIL OR RECOGNI-
3 ZANCES, OR MAKE DETERMINATIONS OF PROBABLE CAUSE AND ISSUE WAR-
4 RANTS, AS PERMITTED BY LAW AND AS AUTHORIZED BY THE CHIEF JUDGES
5 WHO APPOINTED THE MAGISTRATE, FOR ALL DISTRICTS WITHIN THAT
6 MULTIPLE DISTRICT AREA.

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

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

1 (3) IN A MULTICOUNTY DISTRICT OF THE FIRST CLASS, A
2 MAGISTRATE MAY CONDUCT ARRAIGNMENTS, APPOINT COUNSEL, SET BAIL OR
3 RECOGNIZANCES, OR MAKE DETERMINATIONS OF PROBABLE CAUSE AND ISSUE
4 WARRANTS, AS PERMITTED BY LAW, IN ANY COUNTY OF THE DISTRICT AS
5 AUTHORIZED BY THE CHIEF JUDGE OF THE DISTRICT.