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SUBSTITUTE FOR

SENATE BILL NO. 752

(As Passed the Senate September 24, 1998)

A bill to amend 1956 PA 5, entitled

"Michigan uniform municipal court act,"

by amending section 23 (MCL 730.523) and by adding section 23a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23. ~~Appeals~~ EXCEPT AS PROVIDED IN SECTION 23A,

2 APPEALS in criminal cases may be taken as a matter of right from

3 the municipal court of ~~any such~~ A city to the circuit court of

4 the county in which ~~such~~ THE city is located in the same manner

5 and time as is provided by law for appeals in criminal cases from

6 THE FORMER justice courts or as otherwise provided by law.

7 SEC. 23A. (1) AN APPEAL IN A CIVIL ACTION OR A CRIMINAL

8 CASE FROM A MUNICIPAL COURT OF A CITY THAT ADOPTS A RESOLUTION

9 UNDER SUBSECTION (2) SHALL BE TAKEN FROM THE MUNICIPAL COURT TO

10 THE CIRCUIT COURT IN THE COUNTY IN WHICH THE CITY IS LOCATED.

11 THE APPEAL SHALL NOT BE A DE NOVO PROCEEDING IN CIRCUIT COURT.

Senate Bill No. 752 as amended by the House March 25, 1998   2
    as amended by the Senate September 24, 1998

1 THE CONDITIONS, MANNER, AND TIME OF THE APPEAL SHALL BE THE SAME

2 AS IS PROVIDED BY LAW AND BY SUPREME COURT RULE FOR APPEALS IN

3 CIVIL ACTIONS OR CRIMINAL CASES FROM THE DISTRICT COURT.

4   (2) THIS SECTION APPLIES ONLY IN A CITY THAT MAINTAINS A

5 MUNICIPAL COURT ON THE EFFECTIVE DATE OF THIS SECTION AND THAT,

6 BY RESOLUTION OF ITS LEGISLATIVE BODY, AGREES TO ASSUME ANY LOCAL

7 FINANCIAL OBLIGATIONS THAT MAY ARISE OUT OF THIS SECTION, AND
  APPLIES ONLY TO ACTIONS COMMENCED ON OR AFTER THE DATE ON WHICH THAT
  RESOLUTION IS SUBMITTED TO THE STATE COURT ADMINISTRATIVE OFFICE. A
  RES-

8 OLUTION REQUIRED UNDER THIS SUBSECTION IS NOT VALID UNLESS IT IS

9 ADOPTED AND SUBMITTED TO THE STATE COURT ADMINISTRATIVE OFFICE

10 NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

11   [Enacting section 1. This amendatory act takes effect January

12 1, 1999.

13   Enacting section 2. This amendatory act does not take effect

14 unless House Bill No. 5271 of the 89th Legislature is enacted into

15 law.]

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