



HOUSE BILL No. 4892

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June 29, 1993, Introduced by Rep. Yokich and referred to the Committee on Judiciary.

A bill to amend sections 301, 302, and 306 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 279 of the Public Acts of 1986, being sections 600.301, 600.302, and 600.306 of the Michigan Compiled Laws; and to add section 303d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 301, 302, and 306 of Act No. 236 of the
2 Public Acts of 1961, as amended by Act No. 279 of the Public Acts
3 of 1986, being sections 600.301, 600.302, and 600.306 of the
4 Michigan Compiled Laws, are amended and section 303d is added to
5 read as follows:

6 Sec. 301. (1) ~~The~~ UNTIL JANUARY 1, 1995, THE court of
7 appeals ~~shall consist~~ CONSISTS of 24 judges. ~~and~~

1 (2) BEGINNING JANUARY 1, 1995, AND THROUGH DECEMBER 31,
2 1996, THE COURT OF APPEALS CONSISTS OF 28 JUDGES, SUBJECT TO
3 SECTION 303D.

4 (3) BEGINNING JANUARY 1, 1997, AND THROUGH DECEMBER 31,
5 1998, THE COURT OF APPEALS CONSISTS OF 32 JUDGES, SUBJECT TO SEC-
6 TION 303D.

7 (4) BEGINNING JANUARY 1, 1999, THE COURT OF APPEALS CONSISTS
8 OF 36 JUDGES, SUBJECT TO SECTION 303D.

9 (5) THE COURT OF APPEALS is a court of record.

10 Sec. 302. For the election of judges, the state ~~shall be~~
11 IS divided into ~~3~~ 4 judicial districts. ~~Districts 1, 2, and 3~~
12 ~~shall be~~ EACH DISTRICT IS entitled to elect ~~8~~ 1/4 OF THE
13 NUMBER OF judges ~~for their respective districts~~ PROVIDED FOR IN
14 SECTION 301. The districts ~~shall be~~ ARE constituted and num-
15 bered as follows:

16 District 1 ~~shall consist~~ CONSISTS of the counties of
17 Wayne, Monroe, AND Lenawee. ~~, Jackson, Washtenaw, and~~
18 ~~Livingston.~~

19 District 2 ~~shall consist~~ CONSISTS of the counties of
20 ~~Ogemaw, Arenac, Gladwin, Midland, Bay, Huron, Tuscola, Sanilac,~~
21 Genesee, Lapeer, ~~St. Clair, Shiawassee,~~ Oakland, AND Macomb. ~~,~~
22 ~~and Ingham.~~

23 District 3 ~~shall consist~~ CONSISTS of the counties of
24 ~~Berrien, Cass, St. Joseph, Branch, Hillsdale, Calhoun,~~
25 Kalamazoo, Van Buren, Allegan, Barry, Eaton, INGHAM, LIVINGSTON,
26 SHIAWASSEE, Ionia, ~~Kent, Ottawa, Muskegon,~~ Montcalm, Clinton,
27 Gratiot, Saginaw, TUSCOLA, ST. CLAIR, SANILAC, HURON, BAY,

1 MIDLAND, Isabella, Mecosta, Newaygo, ~~Oceana, Mason, Lake,~~
 2 Osceola, Clare, GLADWIN, ARENAC, Iosco, OGEMAW, Roscommon,
 3 Missaukee, Wexford, ~~Manistee, Benzie, Grand Traverse, Leelanau,~~
 4 Kalkaska, Crawford, Oscoda, Alcona, Alpena, Montmorency, Otsego,
 5 Antrim, Emmet, Charlevoix, Cheboygan, Presque Isle, Mackinac,
 6 Chippewa, Luce, Schoolcraft, Alger, Delta, Menominee, Dickinson,
 7 Marquette, Iron, Baraga, Houghton, Keweenaw, Gogebic, and
 8 Ontonagon.

9 DISTRICT 4 CONSISTS OF THE COUNTIES OF WASHTENAW, JACKSON,
 10 HILLSDALE, BRANCH, CALHOUN, KALAMAZOO, ST. JOSEPH, CASS, BERRIEN,
 11 VAN BUREN, ALLEGAN, KENT, OTTAWA, MUSKEGON, OCEANA, MASON, LAKE,
 12 MANISTEE, BENZIE, GRAND TRAVERSE, AND LEELANAU.

13 SEC. 303D. (1) TO EFFECTUATE THE TRANSITION FROM 3 DIS-
 14 TRICTS HAVING A TOTAL OF 24 JUDGES TO 4 DISTRICTS HAVING A TOTAL
 15 OF 28 JUDGES ON JANUARY 1, 1995, AS REQUIRED UNDER SECTION
 16 301(2), THE FOLLOWING SPECIAL PROVISIONS APPLY:

17 (A) THE JUDGESHIP IN DISTRICT 1 FILLED ON THE EFFECTIVE DATE
 18 OF THIS SECTION BY AN INCUMBENT WHOSE TERM EXPIRES JANUARY 1,
 19 1995 AND WHO IS NOT ELIGIBLE TO SEEK REELECTION, SHALL TERMINATE
 20 JANUARY 1, 1995 AND SHALL NOT BE FILLED BY ELECTION IN 1994.

21 (B) TO PROVIDE 7 JUDGES IN DISTRICTS 2, 3, AND 4:

22 (i) IN DISTRICT 2, 1 NEW JUDGESHIP SHALL BE FILLED BY ELEC-
 23 TION IN 1994. THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF
 24 VOTES IS ELECTED FOR A TERM OF 6 YEARS.

25 (ii) IN DISTRICT 3, 2 NEW JUDGESHIPS SHALL BE FILLED BY
 26 ELECTION IN 1994. THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF
 27 VOTES IS ELECTED FOR A TERM OF 8 YEARS. THE CANDIDATE RECEIVING

1 THE SECOND HIGHEST NUMBER OF VOTES IS ELECTED FOR A TERM OF 6
2 YEARS.

3 (iii) IN DISTRICT 4, 2 NEW JUDGEShips SHALL BE FILLED BY
4 ELECTION IN 1994. THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF
5 VOTES IS ELECTED FOR A TERM OF 8 YEARS. THE CANDIDATE RECEIVING
6 THE SECOND HIGHEST NUMBER OF VOTES IS ELECTED FOR A TERM OF 6
7 YEARS.

8 (2) TO EFFECTUATE THE ADDITION OF 8 JUDGEShips AS REQUIRED
9 UNDER SECTION 301(3) AND (4), THE FOLLOWING SPECIAL PROVISIONS
10 APPLY:

11 (A) TO PROVIDE 32 JUDGES BEGINNING JANUARY 1, 1997, 1 NEW
12 JUDGEShip SHALL BE FILLED BY ELECTION IN EACH DISTRICT IN 1996.
13 THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES IN EACH DIS-
14 TRICT IS ELECTED FOR A TERM OF 6 YEARS.

15 (B) TO PROVIDE 36 JUDGES BEGINNING JANUARY 1, 1999, 1 NEW
16 JUDGEShip SHALL BE FILLED BY ELECTION IN EACH DISTRICT IN 1998.
17 THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES IN EACH DIS-
18 TRICT IS ELECTED FOR A TERM OF 6 YEARS.

19 (3) A JUDGE OF THE COURT OF APPEALS WHO IS ELECTED OR
20 APPOINTED TO A FIRST TERM THAT BEGINS ON OR AFTER THE EFFECTIVE
21 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION SHALL MAINTAIN
22 OFFICES ONLY IN LANSING, GRAND RAPIDS, DETROIT, OR SOUTHFIELD.

23 Sec. 306. The supreme court may transfer judges from the
24 circuit court or probate court or may assign judges pursuant to
25 section 23 of article VI of the state constitution of 1963 to the
26 court of appeals to act as temporary judges. The transfer may be
27 made to replace disabled or disqualified judges, or to enlarge

1 the court of appeals temporarily to not more than ~~36~~ 48 judges
2 if the business of the court of appeals is considered by the
3 supreme court to warrant it. If the court of appeals sits in
4 panels, the temporary judges may be assigned to any panel. Not
5 more than 1 temporary judge shall be assigned to hear a case. A
6 temporary judge is disqualified from hearing, in the court of
7 appeals, cases tried before him or her in the trial court.