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REVISE APP'T OF 36TH DISTRICT COURT BAILIFFS

House Bill 5578

Sponsor: Rep. Raymond M. Murphy
Committee: Judiciary

Complete to 3-9-98

A SUMMARY OF HOUSE BILL 5578 AS INTRODUCED 2-17-98

Under the Revised Judicature Act (RJA), civil process in the district court is served by a sheriff, deputy sheriff, or a court officer appointed by the judges of the court (though state police officers may serve civil process in any action to which the state is a party, and police officers of incorporated cities or villages may serve civil process in any action to which the city or village is a party).

Under the RJA, people appointed under sections 23 and 31 of former Public Act 260 of 1929, and serving as bailiffs of the Common Pleas Court of Detroit on August 31, 1981, became bailiffs of the 36th District Court on September 1, 1981, and hold office until death, retirement, resignation, or removal from office by the court for misfeasance or malfeasance in office. The RJA currently prohibits filling any vacancies in the office of bailiff in the 36th District Court if the bailiff vacating the office had been appointed under section 23 of former Public Act 260 of 1929; however, the chief judge of the 36th District Court could appoint someone to fill a vacancy if the bailiff had been appointed under section 31 of former Public Act 260 of 1929. Full-time bailiffs serving civil process in actions commenced in the 36th District Court receive an annual salary of \$20,000 from the City of Detroit (plus the fees and mileage allowed under the RJA); part-time bailiffs receive a prorated portion of a full-time bailiff's salary based on that portion of a full-time bailiff's workload to be assigned to the part-time bailiff.

The bill would amend the act to allow the chief judge of the 36th District Court to appoint bailiffs when a vacancy in the office occurred, for up to a total of 30 bailiffs. A person appointed to the office of 36th District Court bailiff would have to have been a resident and qualified elector of the state and of Wayne County for at least five years before the date of the appointment, and also could not have ever previously been removed from the office of bailiff for any reason. The bill would delete the current salary provisions, and specify that bailiffs serving civil process in actions commenced in the 36th District Court would be compensated by the fees and mileage prescribed in the RJA, and would not be entitled to any other compensation other than that specifically authorized in this section of the RJA. The bill also would delete the requirement that the City of Detroit contribute to the retirement system of which the bailiff was a member on August 31, 1981, based on the salary paid to the bailiff by the city (which the bill also would delete). Finally, the bill would specify that copies of the Wayne County Retirement System

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actuarial reports be provided to the Detroit Judicial Council (instead of the current language, which refers to "the employer designated under section 8274(2) of (3)," which deals with the Detroit Judicial Council).

MCL 600.8321 and 600.8322

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.