



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**DISTRICT COURT MAGISTRATES:
BONDING**

**House Bill 5859 with committee
amendment
First Analysis (4-18-02)**

**Sponsor: Rep. John C. Stewart
Committee: Civil Law and the Judiciary**

THE APPARENT PROBLEM:

According to information supplied by the House Republican Policy Office, district court magistrates are quasi-judicial officers that are appointed by the district court. In most districts, magistrates are authorized to accept guilty pleas and impose sentences for minor offenses, issue warrants, and preside over informal hearings in civil infraction cases. Originally, magistrates were appointed only in rural areas, but later were authorized to serve in urban areas as well. Magistrates are required, among other things, to file a bond with the county treasurer in which they are appointed.

The Revised Judicature Act, MCL 600.8103, defines a district of the first class as a district consisting of one or more counties and in which each county composing the district is responsible for maintaining, financing and operating the district court within its respective county, except as otherwise provided in law. A district of the second class is a district consisting of a group of political subdivisions within a county and in which the county is responsible for maintaining, financing and operating the district court. A district of the third class is a district consisting of one or more political subdivisions within a county and in which each political subdivision comprising the district is responsible for maintaining, financing and operating the district court within its respective political subdivision.

For magistrates appointed to a district of the first or second class, or in a rural area, filing the bond with the county treasurer makes sense, but it isn't as practical for those serving in urban areas classified as a district of the third class. Magistrates serving in a district of the third class often have little or no contact with county government; therefore, some believe it would be more efficient and practical to allow the magistrates to file or renew a bond with the local funding unit of their respective districts.

THE CONTENT OF THE BILL:

Under the Revised Judicature Act, a person appointed as a magistrate must, among other requirements, file a bond with the county treasurer in the county in which he or she is appointed. House Bill 5859 would amend the act to require that the bond be filed, instead, with the treasurer of the local funding unit of that district. The bill specifies that this provision would apply to bonds filed or renewed by district court magistrates after December 31, 2002.

Further, in a district of the first class that consists of more than one county, the chief or only district judge can direct a magistrate of another county of the same district to serve temporarily in the place of a magistrate who is ill or absent. A magistrate appointed in one county can also be authorized to serve in another county. In both of these situations, the act applies the bond to this temporary service. The bill would also apply the bond to temporary service conducted under a multiple district plan that involves adjoining districts of the first class.

MCL 600.8507

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would change the bond-filing requirement from county treasurer to local funding. (4-12-02)

ARGUMENTS:

For:

Instead of requiring all magistrates to file a bond with the county treasurer for the district to which they are appointed, the bill would allow a magistrate to file the bond with the funding unit that funds that court. For magistrates appointed to districts of the first or

House Bill 5859 (4-18-02)

second class, there would be no change. However, third class district courts are locally funded and have the ability to bond magistrates. Therefore, it makes more sense to allow the magistrates to file with say, a city treasurer, than the county treasurer.

POSITIONS:

There are no positions on the bill.

Analyst: S. Stutzky

■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.