

HOUSE BILL No. 6124

June 1, 2006, Introduced by Rep. Stewart and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8719 (MCL 600.8719), as added by 1994 PA 12.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8719. (1) An informal hearing shall be conducted by a
2 district court magistrate, if authorized by the judge or judges of
3 the district court district, or by a judge of the district court or
4 a municipal court. A district court magistrate may administer
5 oaths, examine witnesses, and make findings of fact and conclusions
6 of law at an informal hearing. The judge or district court
7 magistrate shall conduct the informal hearing in an informal manner
8 so as to do substantial justice according to the rules of
9 substantive law, but is not bound by the statutory provisions or

1 rules of practice, procedure, pleading, or evidence, except
2 provisions relating to privileged communications. There shall not
3 be a jury at an informal hearing. A verbatim record of an informal
4 hearing is not required.

5 (2) At an informal hearing, the defendant shall not be
6 represented by an attorney and the plaintiff shall not be
7 represented by the prosecuting attorney or attorney for a political
8 subdivision.

9 (3) Notice of a scheduled informal hearing shall be given to
10 the plaintiff. The plaintiff and defendant may subpoena witnesses.
11 Witness fees need not be paid in advance to a witness. Witness fees
12 for a witness on behalf of the plaintiff are payable by the
13 district control unit of the district court for the place where the
14 hearing occurs, or by the city or village if the hearing involves
15 an ordinance violation in a district where the district court is
16 not functioning.

17 **(4) THE COURT MAY ALLOW A PEACE OFFICER TO PRESENT HIS OR HER**
18 **TESTIMONY FOR THE INFORMAL HEARING IN WRITING UNLESS THE PEACE**
19 **OFFICER IS SUBPOENAED BY THE PLAINTIFF OR THE DEFENDANT.**

20 (5) ~~-(4)-~~ If the judge or district court magistrate determines
21 by a preponderance of the evidence that the defendant is
22 responsible for a municipal civil infraction, the judge or
23 magistrate shall enter an order against the defendant as provided
24 in section 8727. Otherwise, a judgment shall be entered for the
25 defendant, but the defendant is not entitled to costs of the
26 action.

27 (6) ~~-(5)-~~ The plaintiff and defendant are entitled to appeal

1 an adverse judgment entered at an informal hearing. An appeal from
2 a municipal judge shall be a trial de novo in the circuit court. In
3 other instances, an appeal shall be de novo in the form of a
4 scheduled formal hearing as follows:

5 (a) The appeal from a judge of the district court shall be
6 heard by a different judge of the district.

7 (b) The appeal from a district court magistrate shall be heard
8 by a judge of the district.