

Legislative Analysis



MUNICIPAL COURT JURISDICTION

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 6168-6170 as introduced

Sponsor: Rep. Timothy Bledsoe

Committee: Judiciary

Complete to 5-31-10

A SUMMARY OF HOUSE BILLS 6168-6170 AS REPORTED BY COMMITTEE 5-26-10

The bills would amend different acts and, taken together, would retain the jurisdiction of the Grosse Pointe Woods municipal court over the City of Grosse Pointe Shores; establish eligibility criteria for office of judge of a municipal court that exercised jurisdiction over another city; and establish the criteria for qualified electors (voters) and residents in regards to voting for a municipal court judge of a municipal court that exercised jurisdiction over another city. House Bills 6169 and 6170 are tie-barred to House Bill 6168.

BACKGROUND INFORMATION:

Municipal courts have limited subject matter and geographic jurisdiction. The courts hear misdemeanor criminal cases, some traffic and ordinance violations, and preliminary hearings for felony criminal cases, as well as some general civil cases if the monetary amount in dispute is low. The jurisdiction of a municipal court is limited to the city in which it is located and to any townships located in the same district. Since 1968, cities have not been allowed under state law to establish either a municipal or a police court. However, any such courts in existence at that time could be retained under city ordinance.

At one time, Grosse Pointe Township in Wayne County encompassed all of the Grosse Pointe communities and the northeastern portion of the City of Detroit. Through the years, the township was reduced until it only comprised the Village of Grosse Pointe Shores. In early 2009, the electors of the Village of Grosse Pointe Shores voted to incorporate as a city. As a result, the relationship between the Village, now the City of Grosse Pointe Shores, and the Grosse Pointe Woods Municipal Court is no longer supported by statutory provisions. Thus, the bills would revise the statutes to restore and continue judicial service between the Grosse Pointe Woods Municipal Court and the City of Grosse Pointe Shores.

CONTENT:

House Bill 6168 would amend the Revised Judicature Act (MCL 600.9928). Currently, the jurisdiction of municipal or police courts is limited to their respective cities except that "where the district contains 1 or more townships such courts shall exercise the same jurisdiction and powers in such townships as they exercise in their respective cities." The bill would delete the underlined provisions.

Instead, the bill would provide that if the district contained one or more cities that had retained municipal courts and also contained a city that previously had been a village – but subsequently became incorporated as a city – the newly incorporated city could, by agreement with any one of the cities in the district that retained its municipal court, provide that the municipal court could exercise the same jurisdiction and powers with respect to the newly incorporated city as it exercises in the city in which it is located. (Currently this would apply to the relationship between Grosse Pointe Shores and Grosse Pointe Woods, but could apply to other cities in the future.)

The bill would also delete an obsolete provision that required city clerks to file a copy of a resolution that retained a city’s municipal court with the court administrator.

House Bill 6169 would add a new section to the Michigan Uniform Municipal Court Act (MCL 730.508a). Currently, Section 8 of the act sets forth the qualifications, term of office, compensation, and so forth for judges of a municipal court. Notwithstanding the provisions of Section 8, House Bill 6169 would require a person, in order to be eligible for the office of judge of a municipal court, to be a registered and qualified elector (voter) of the city in which election is sought by the filing deadline or the date the person filed the affidavit of candidacy.

For purposes of an election or special election for the office of judge of a municipal court that exercised jurisdiction over another city under the provisions of House Bill 6168, a person would be eligible for that office if he or she met all other requirements for that office (i.e., was a lawyer) and had resided for 30 days or more in the other city over which municipal court jurisdiction was exercised.

House Bill 6170 would amend the Michigan Election Law (168.10, 168.11, and 168.492). The bill would provide that for purposes of an election for the office of judge of a municipal court that exercised jurisdiction over another city under House Bill 6168, qualified elector would include a person who met the qualifications described in Section 1 of Article II of the State Constitution and had resided in the other city over which municipal court jurisdiction was exercised. This provision would not entitle a person to vote on any ballot question except the office of municipal judge under the circumstances prescribed in the provision.

For purposes of registering to vote and voting at an election or special election for the office of judge of a municipal court that exercised jurisdiction over another city under House Bill 6168, a person who resided in the other city would be considered a resident of the city in which the municipal court was located and could register for, and vote in, that election in the city in which he or she resided.

Similarly, for purposes of registering to vote and voting at an election or special election for the office of judge of a municipal court that exercises jurisdiction over another city under the provisions of House Bill 6168, a person who resided in the other city over which municipal court jurisdiction was exercised would be considered a resident of the city in which the municipal court was located.

FISCAL IMPACT:

House Bills 6168, 6169, and 6170 would have no overall fiscal impact on state or local government. These bills, as written, would restore the relationship between Grosse Pointe Woods and Grosse Pointe Shores that existed under MCL 600.9928 prior to Grosse Pointe Shores becoming a city. However, the language in the bill would allow the relationship Grosse Point Shores has with Grosse Pointe Woods to be with another city in the future.

POSITIONS:

Representatives of the City of Grosse Pointe Shores, including the mayor, testified in support of the bills. (5-26-10)

The Michigan Municipal League indicated support for the bills. (5-26-10)

A representative of the State Court Administrators Office, though neutral, offered testimony on the bill. (5-26-10)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Ben Gielczyk

■ 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.