

HOUSE BILL No. 5616

May 10, 2012, Introduced by Rep. Knollenberg and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8312 (MCL 600.8312).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8312. (1) In a district of the first class, venue in
2 criminal actions for violations of state law and all city, village,
3 or township ordinances shall be in the county where the violation
4 took place.

5 (2) In a district of the second class, venue in criminal
6 actions for violations of state law and all city, village, or
7 township ordinances shall be in the district where the violation
8 took place.

9 (3) In a district of the third class, venue in criminal

1 actions for violations of state law and all city, village, or
2 township ordinances shall be in the political subdivision where the
3 violation took place, except that when the violation is alleged to
4 have taken place within a political subdivision where the court is
5 not required to sit, the action may be tried in any political
6 subdivision within the district where the court is required to sit.

7 (4) With regard to state criminal violations cognizable by the
8 district court, the following special provisions shall apply:

9 (a) If an offense is committed on the boundary of 2 or more
10 counties, districts, or political subdivisions or within 1 mile
11 thereof, venue is proper in any of the counties, districts, or
12 political subdivisions concerned.

13 (b) If an offense is committed in or upon any railroad train,
14 automobile, aircraft, vessel, or other conveyance in transit, and
15 it cannot readily be determined in which county, district, or
16 political subdivision the offense was committed, venue is proper in
17 any county, district, or political subdivision through or over
18 which the conveyance passed in the course of its journey.

19 (5) Venue in civil actions, other than civil infraction
20 actions, shall be governed by sections 1601 to 1659 except that for
21 purposes of this subsection all references to "county" in sections
22 1601 to 1659 ~~shall~~ mean "district" with respect to districts of the
23 second and third class.

24 (6) Venue in civil infraction actions shall be determined as
25 follows:

26 (a) In a district of the first class, venue shall be in the
27 county where the civil infraction occurred.

1 (b) In a district of the second class, venue shall be in the
2 district where the civil infraction occurred.

3 (c) In a district of the third class, venue shall be in the
4 political subdivision where the civil infraction occurred, except
5 that when the violation is alleged to have taken place within a
6 political subdivision where the court is not required to sit, the
7 action may be heard or an admission entered in any political
8 subdivision within the district where the court is required to sit.

9 (7) NOTWITHSTANDING SUBSECTIONS (1) TO (6), VENUE FOR AN
10 ACTION ARISING OUT OF A CITATION ISSUED BY THE DEPARTMENT OF STATE
11 POLICE FOR A VIOLATION OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
12 MCL 257.1 TO 257.923, IS DETERMINED AS FOLLOWS:

13 (A) UNLESS AN AGREEMENT DESCRIBED IN SUBDIVISION (B) IS IN
14 EFFECT, VENUE IS DETERMINED AS PROVIDED IN SUBSECTIONS (1) TO (6).

15 (B) THE LOCAL FUNDING UNIT FOR A JUDICIAL DISTRICT IN WHICH A
16 STATE POLICE POST IS LOCATED MAY ENTER INTO AN AGREEMENT WITH THE
17 DEPARTMENT OF STATE POLICE, SUBJECT TO THE APPROVAL BY THE STATE
18 COURT ADMINISTRATOR, TO DESIGNATE THAT JUDICIAL DISTRICT AS THE
19 DISTRICT FOR VENUE FOR ACTIONS ARISING OUT OF CITATIONS ISSUED BY
20 STATE POLICE OFFICERS ASSIGNED TO THAT POST. AN AGREEMENT UNDER
21 THIS SUBDIVISION IS EFFECTIVE ON THE DATE AGREED UPON BY THE
22 PARTIES AND MAY BE MODIFIED BY AGREEMENT OF THE PARTIES. IF AN
23 AGREEMENT UNDER THIS SUBDIVISION IS IN EFFECT, VENUE FOR ACTIONS
24 DESCRIBED IN THIS SUBDIVISION IS IN THE JUDICIAL DISTRICT
25 DESIGNATED IN THE AGREEMENT. AN AGREEMENT UNDER THIS SUBDIVISION
26 MAY BE CANCELED BY EITHER THE LOCAL FUNDING UNIT OR THE DEPARTMENT
27 OF STATE POLICE UPON 180 DAYS' PRIOR NOTICE OF INTENT TO CANCEL

1 GIVEN TO THE OTHER PARTY AND TO THE STATE COURT ADMINISTRATOR.

2 (8) ~~(7)~~ For purposes of venue, a city ~~which~~ **THAT** is located in
3 more than 1 county and ~~which~~ **THAT** is ~~placed in 1 district of the~~ **A**
4 first class ~~by~~ **DISTRICT UNDER** chapter 81 ~~,~~ shall be considered a
5 part of ~~that~~ **THE** county ~~which~~ **THAT** contains the greater portion of
6 its population.