

SENATE BILL No. 319

April 12, 2011, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 301, 302, 504, 810a, 8121, 8150, and 8176 (MCL 600.301, 600.302, 600.504, 600.810a, 600.8121, 600.8150, and 600.8176), section 301 as amended by 1993 PA 190, section 302 as amended by 2001 PA 117, section 504 as amended by 2002 PA 715, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, and section 8176 as amended by 2002 PA 92, and by adding section 303e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 301. ~~The~~ **EXCEPT AS PROVIDED IN SECTION 303E, THE** court of
2 appeals consists of 28 judges and is a court of record.

3 Sec. 302. The state is divided into 4 judicial districts for

1 the election of judges of the court of appeals. ~~Each~~ **EXCEPT AS**
2 **PROVIDED IN SECTION 303E, EACH** district is entitled to 7 judges.

3 The districts are constituted and numbered as follows:

4 (a) District 1 consists of the counties of Calhoun, Hillsdale,
5 Lenawee, Monroe, and Wayne.

6 (b) District 2 consists of the counties of Genesee, Macomb,
7 Oakland, and Shiawassee.

8 (c) District 3 consists of the counties of Allegan, Barry,
9 Berrien, Branch, Cass, Eaton, Ionia, Jackson, Kalamazoo, Kent,
10 Muskegon, Newaygo, Ottawa, St. Joseph, Van Buren, and Washtenaw.

11 (d) District 4 consists of the counties of Alcona, Alger,
12 Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan,
13 Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet,
14 Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham,
15 Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau,
16 Livingston, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta,
17 Menominee, Midland, Missaukee, Montcalm, Montmorency, Oceana,
18 Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle,
19 Roscommon, Saginaw, Sanilac, Schoolcraft, St. Clair, Tuscola, and
20 Wexford.

21 **SEC. 303E. (1) BEGINNING ON THE EFFECTIVE DATE OF THIS**
22 **SECTION, THE COURT OF APPEALS HAS 24 JUDGES, AND EACH JUDICIAL**
23 **DISTRICT FOR THE ELECTION OF JUDGES OF THE COURT OF APPEALS IS**
24 **ENTITLED TO 6 JUDGES.**

25 **(2) TO EFFECTUATE THE TRANSITION FROM 7 JUDGES TO 6 JUDGES IN**
26 **EACH DISTRICT, EACH DISTRICT HAS 7 JUDGES UNTIL THE EARLIER OF THE**
27 **FOLLOWING DATES, AT WHICH TIME THAT DISTRICT SHALL HAVE 6 JUDGES:**

1 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF JUDGE
2 OF THE COURT OF APPEALS IN THAT DISTRICT.

3 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
4 JUDGE OF THE COURT OF APPEALS IN THAT DISTRICT NO LONGER SEEKS
5 ELECTION OR REELECTION TO THAT OFFICE.

6 Sec. 504. ~~(1) The third judicial circuit consists of the~~
7 ~~county of Wayne and has the following number of judges:~~

8 ~~—— (a) Until 12 noon, January 1, 2003, 64 60 judges.~~

9 ~~—— (b) Beginning 12 noon, January 1, 2003, 63 judges; however,~~
10 ~~if, after 12 noon, January 1, 2003, a vacancy occurs in a judgeship~~
11 ~~held by an incumbent judge of this circuit who would be ineligible~~
12 ~~to seek reelection to that office in 2004, that judgeship is~~
13 ~~eliminated unless the total number of judgeships in this circuit~~
14 ~~has been reduced to 61 before that vacancy occurred.~~

15 ~~—— (c) Beginning 12 noon, January 1, 2005, 61 judges.~~

16 Sec. 810a. ~~(1) The probate judges in the counties of Arenac,~~
17 ~~Kalkaska, Crawford, Lake, Iron, and Ontonagon, have the~~
18 ~~jurisdiction, powers, duties, and title of a district judge within~~
19 ~~their respective counties, in addition to the jurisdiction, powers,~~
20 ~~duties, and title of a probate judge.~~

21 ~~—— (2) Beginning January 2, 2007, in addition to the probate~~
22 ~~judges described in subsection (1), the probate judges in the~~
23 ~~counties of **MANISTEE**, Alcona, Baraga, Benzie, Missaukee,~~
24 ~~Montmorency, Oscoda, and Presque Isle have the jurisdiction,~~
25 ~~powers, duties, and title of a district judge within their~~
26 ~~respective counties, in addition to the jurisdiction, powers,~~
27 ~~duties, and title of a probate judge.~~

1 Sec. 8121. (1) The sixteenth district consists of the city of
2 Livonia, is a district of the third class, and has 2 judges.

3 (2) The seventeenth district consists of the township of
4 Redford in the county of Wayne, is a district of the third class,
5 and has 2 judges.

6 (3) The eighteenth district consists of the city of Westland,
7 is a district of the third class, and has 2 judges.

8 (4) The nineteenth district consists of the city of Dearborn,
9 is a district of the third class, and has 3 judges.

10 (5) The twentieth district consists of the city of Dearborn
11 Heights, is a district of the third class, and has 2 judges.

12 (6) The twenty-first district consists of the city of Garden
13 City, is a district of the third class, and has 1 judge.

14 (7) The twenty-second district consists of the city of
15 Inkster, is a district of the third class, and has 1 judge.

16 (8) The twenty-third district consists of the city of Taylor,
17 is a district of the third class, and has 2 judges.

18 (9) The twenty-fourth district consists of the cities of Allen
19 Park and Melvindale, is a district of the third class, and has 2
20 judges.

21 (10) The twenty-fifth district consists of the city of Lincoln
22 Park, is a district of the third class, and has 2 judges.

23 (11) The twenty-sixth district consists of the cities of River
24 Rouge and Ecorse, is a district of the third class, and ~~is divided~~
25 ~~into the following election divisions:~~

26 ~~—— (a) The first division consists of the city of River Rouge and~~
27 ~~has 1 judge.~~

1 ~~—— (b) The second division consists of the city of Eeorse and has~~
2 ~~1 judge.~~

3 (12) The twenty-seventh district consists of the following, ~~as~~
4 ~~applicable.~~

5 ~~—— (a) Until January 1, 2003 or until a vacancy occurs in a~~
6 ~~judgeship in the twenty seventh district, whichever occurs first,~~
7 ~~the twenty seventh district consists of the cities of Wyandotte and~~
8 ~~Riverview, is a district of the third class, and is divided into~~
9 ~~the following election divisions:~~

10 ~~—— (i) The first division consists of the city of Wyandotte and~~
11 ~~has 1 judge.~~

12 ~~—— (ii) The second division consists of the city of Riverview and~~
13 ~~has 1 judge.~~

14 ~~—— (b) Beginning January 1, 2003 or the date on which a vacancy~~
15 ~~occurs in a judgeship in the twenty seventh district, whichever~~
16 ~~occurs first, the twenty seventh district consists of the cities of~~
17 ~~Wyandotte and Riverview, is a district of the third class, and has~~
18 ~~1 judge. The remaining incumbent judge of the twenty seventh~~
19 ~~district shall serve as the judge of the entire twenty seventh~~
20 ~~district for the balance of the term to which he or she was elected~~
21 ~~or appointed.~~

22 (13) The twenty-eighth district consists of the city of
23 Southgate, is a district of the third class, and has 1 judge.

24 (14) The twenty-ninth district consists of the city of Wayne,
25 is a district of the third class, and has 1 judge.

26 (15) The thirtieth district consists of the city of Highland
27 Park, is a district of the third class, and has ~~the following~~

1 ~~number of judges:—1 JUDGE.~~

2 ~~—— (a) Until subdivision (b) takes effect, this district has 2~~
3 ~~judges.~~

4 ~~—— (b) This district has 1 judge beginning on the earlier of the~~
5 ~~following dates:~~

6 ~~—— (i) The date on which a vacancy occurs in the office of~~
7 ~~district judge in this district.~~

8 ~~—— (ii) 12 noon, January 1, 2003.~~

9 (16) The thirty-first district consists of the city of
10 Hamtramck, is a district of the third class, and has 1 judge.

11 (17) The thirty-second-a district consists of the city of
12 Harper Woods, is a district of the third class, and has 1 judge.

13 (18) The thirty-second-b district consists of the cities of
14 Grosse Pointe Woods, Grosse Pointe Park, Grosse Pointe, and Grosse
15 Pointe Farms, and the village of Grosse Pointe Shores, is a
16 district of the third class, and has 1 judge.

17 (19) The thirty-third district consists of the cities of
18 Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the
19 townships of Brownstown and Grosse Ile in the county of Wayne, is a
20 district of the third class, and has 3 judges.

21 (20) The thirty-fourth district consists of the townships of
22 Sumpter, Van Buren, and Huron in the county of Wayne and the cities
23 of Romulus and Belleville, is a district of the third class, and
24 has 3 judges.

25 (21) The thirty-fifth district consists of the cities of
26 Northville and Plymouth and the townships of Northville, Plymouth,
27 and Canton in the county of Wayne, is a district of the third

1 class, and has 2-3 judges. ~~Subject to section 8175, this district~~
2 ~~may have 1 additional judge effective January 1, 2003. If a new~~
3 ~~office of judge is added to this district to be filled by election~~
4 ~~in 2002, the term of office of the judge for that election only~~
5 ~~shall be 8 years.~~

6 Sec. 8150. (1) ~~The eighty fifth district consists of the~~
7 ~~counties of Manistee and Benzie, is a district of the first class~~
8 ~~and has 1 judge.~~ **THE EIGHTY-FIFTH-A DISTRICT CONSISTS OF THE COUNTY**
9 **OF MANISTEE AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT TO**
10 **SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF MANISTEE SHALL**
11 **SERVE AS JUDGE OF THE EIGHTY-FIFTH-A DISTRICT.**

12 (2) **THE EIGHTY-FIFTH-B DISTRICT CONSISTS OF THE COUNTY OF**
13 **BENZIE AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT TO SECTION**
14 **810A, THE PROBATE JUDGE FOR THE COUNTY OF BENZIE SHALL SERVE AS**
15 **JUDGE OF THE EIGHTY-FIFTH-B DISTRICT.**

16 Sec. 8176. (1) If a new district is proposed by law, that new
17 district shall not be created and any district judgeship proposed
18 for the district shall not be authorized or filled by election
19 unless each district control unit in the proposed district, by
20 resolution adopted by the governing body of the district control
21 unit, approves the creation of the new district and each judgeship
22 proposed for the district and unless the clerk of each district
23 control unit adopting that resolution files a copy of the
24 resolution with the state court administrator not later than 4 p.m.
25 of the sixteenth Tuesday preceding the August primary for the
26 election immediately preceding the effective date of the new
27 district. The state court administrator shall immediately notify

1 the elections division of the department of state with respect to
2 each new judicial district and district judgeship authorized
3 pursuant to this subsection.

4 (2) A resolution required under subsection (1) that is filed
5 before the effective date of the amendatory act that authorized
6 that new district is a valid approval for purposes of this section
7 only if the filing occurs within the 2-year state legislative
8 session ~~during which~~ **WHEN** the amendatory act was enacted. A
9 resolution required under subsection (1) that is filed after the
10 effective date of the amendatory act that authorized that new
11 district is a valid approval for purposes of this section only if
12 the filing occurs not later than 4 p.m. of the sixteenth Tuesday
13 preceding the August primary for the election immediately preceding
14 the effective date of the new district.

15 (3) By proposing a new district and 1 or more district
16 judgeships for the district, the legislature is not creating that
17 district or any judgeship in the district. If a district control
18 unit, acting through its governing body, approves the creation of a
19 new district and 1 or more district judgeships proposed by law for
20 that district, that approval constitutes an exercise of the
21 district control unit's option to provide a new activity or service
22 or to increase the level of activity or service offered in the
23 district control unit beyond that required by existing law, as the
24 elements of that option are defined by 1979 PA 101, MCL 21.231 to
25 21.244, and a voluntary acceptance by the district control unit of
26 all expenses and capital improvements ~~which~~ **THAT** may result from
27 the creation of the new district and each judgeship. However, the

1 exercise of the option does not affect the state's obligation to
2 pay the same portion of each judge's salary ~~which~~**THAT** is paid by
3 the state to other district judges as provided by law, or to
4 appropriate and disburse funds to the district control unit for the
5 necessary costs of state requirements established by a state law
6 ~~which~~**THAT** becomes effective on or after December 23, 1978.

7 (4) Each district judgeship created pursuant to subsection (1)
8 shall be filled by election ~~pursuant to~~**UNDER** the Michigan election
9 law, 1954 PA 116, MCL 168.1 to 168.992. The first term of each
10 district judgeship shall be 6 years, unless the law permitting the
11 creation of the new district and 1 or more judgeships provides for
12 a term of a different length.

13 (5) The reformation of the seventy-eighth, seventy-ninth,
14 eighty-first, eighty-second, eighty-third, and eighty-seventh
15 judicial districts pursuant to ~~the 2002 amendatory act that added~~
16 ~~this subsection~~**2002 PA 92** does not require ~~the~~**A RESOLUTION OF**
17 approval of the district control unit under this section or section
18 8175.

19 (6) **THE DIVISION OF A DISTRICT OR THE CONSOLIDATION OF 2 OR**
20 **MORE DISTRICTS THAT DOES NOT RESULT IN AN INCREASE IN THE TOTAL**
21 **NUMBER OF JUDGESHIPS DOES NOT REQUIRE A RESOLUTION OF APPROVAL BY**
22 **THE DISTRICT CONTROL UNIT UNDER THIS SECTION OR SECTION 8175.**

23 Enacting section 1. This amendatory act takes effect April 1,
24 2012.