

Act No. 40  
Public Acts of 2012  
Approved by the Governor  
March 6, 2012  
Filed with the Secretary of State  
March 6, 2012  
EFFECTIVE DATE: March 25, 2012

**STATE OF MICHIGAN  
96TH LEGISLATURE  
REGULAR SESSION OF 2012**

Introduced by Senator Hune

# **ENROLLED SENATE BILL No. 849**

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 301 and 302 (MCL 600.301 and 600.302), section 301 as amended by 1993 PA 190 and section 302 as amended by 2001 PA 117, and by adding section 303a.

*The People of the State of Michigan enact:*

Sec. 301. Except as otherwise provided in this section, the court of appeals consists of 28 judges and is a court of record. Beginning on the date as determined under section 303a, the court of appeals consists of 24 judges.

Sec. 302. (1) The state is divided into 4 judicial districts for the election of judges of the court of appeals. Except as otherwise provided in this section, each district is entitled to 7 judges. Beginning on the date as determined under section 303a, each district is entitled to 6 judges. Except as otherwise provided in subsection (2), the districts are constituted and numbered as follows:

- (a) District 1 consists of the counties of Calhoun, Hillsdale, Lenawee, Monroe, and Wayne.
- (b) District 2 consists of the counties of Genesee, Macomb, Oakland, and Shiawassee.
- (c) District 3 consists of the counties of Allegan, Barry, Berrien, Branch, Cass, Eaton, Ionia, Jackson, Kalamazoo, Kent, Muskegon, Newaygo, Ottawa, St. Joseph, Van Buren, and Washtenaw.
- (d) District 4 consists of the counties of Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau, Livingston, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Midland, Missaukee, Montcalm, Montmorency, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Sanilac, Schoolcraft, St. Clair, Tuscola, and Wexford.

(2) Beginning on the effective date of the amendatory act that added this subsection, the districts are constituted and numbered as follows:

- (a) District 1 consists of the counties of Branch, Hillsdale, Kalamazoo, Lenawee, Monroe, St. Joseph, and Wayne.
- (b) District 2 consists of the counties of Genesee, Macomb, and Oakland.

(c) District 3 consists of the counties of Allegan, Barry, Berrien, Calhoun, Cass, Eaton, Ionia, Jackson, Kent, Mason, Montcalm, Muskegon, Newaygo, Oceana, Ottawa, Van Buren, and Washtenaw.

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

Sec. 303a. To effectuate the transition to 6 judges in each district, each district is entitled to 6 judges as follows:

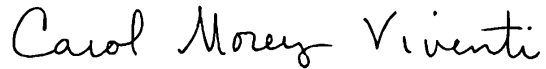
(a) If there are not more than 6 incumbent court of appeals judges in a district on the effective date of the amendatory act that added this section, the number of judgeships in that district shall remain at 6.

(b) If there are more than 6 court of appeals judgeships in a district on the effective date of the amendatory act that added this section and 1 of those judgeships is vacant, that judgeship is eliminated. If more than 1 of the judgeships in that district is vacant, only the vacant judgeship with the shortest remaining term is eliminated. If the elimination of a judgeship results in 6 incumbent court of appeals judges in that district, the number of judgeships in that district shall remain at 6.

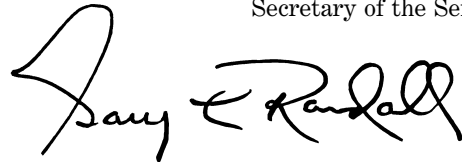
(c) Except as otherwise provided in this subdivision, if there are more than 6 court of appeals judgeships in a district on the effective date of the amendatory act that added this section and there are no judgeships to be eliminated under subdivision (b), 1 judgeship shall be eliminated from the district at the end of the term for which an incumbent judge of the court of appeals does not seek election or reelection to that office until there are 6 incumbent judges in that district. Thereafter, the number of judgeships in the district shall remain at 6. However, a judgeship held by an incumbent judge who is serving by appointment of the governor shall not be eliminated under this subdivision unless the judge does not seek election at the first general election held after the vacancy to which he or she was appointed occurred, as provided in section 23 of article VI of the state constitution of 1963, or does not seek reelection at the end of a subsequent term.

Enacting section 1. This amendatory act takes effect March 25, 2012.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

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Governor