

# Legislative Analysis



## ADDITIONAL DISTRICT JUDGE FOR KENT COUNTY

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

**House Bill 4920 as reported**  
**Sponsor: Rep. John Fitzgerald**  
**Committee: Judiciary**  
**Complete to 10-11-23**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 311 of 2023)*

### SUMMARY:

House Bill 4920 would amend the Revised Judicature Act to authorize the 63rd Judicial District to have one additional judge beginning January 1, 2025. Currently the district has two judges.

The 63rd District consists of Kent County, except for the cities of Grand Rapids, Grandville, Kentwood, Walker, and Wyoming. It is a district of the second class.

The addition of a third judgeship would be subject to the approval of the Kent County Board of Commissioners.

MCL 600.8130

### BACKGROUND:

#### Approval of additional judge

Section 8175 of the Revised Judicature Act allows the legislature to authorize an additional district judgeship to be filled by election if the district's district control unit approves the creation of the judgeship by resolution adopted by its governing body and filed with the state court administrator by 4 p.m. of the sixteenth Tuesday before the August primary for the November election before the judgeship takes effect. (For a judgeship beginning January 1, 2025, that date appears to be April 16, 2024.).

Section 8175 further provides that approval of the judgeship by the district control unit constitutes an exercise of its option to provide a new activity or service or to increase the level of activity or service offered in the district control unit beyond that required by existing law and a voluntary acceptance of all expenses and capital improvements that may result from the creation of the judgeship. The state retains its obligation to pay the same portion of the additional judge's salary as is paid by the state to other judges of the same district.

#### Judicial Resources Recommendations

The State Court Administrative Office (SCAO) reviews the state's judicial needs and compiles its findings in a Judicial Resources Recommendations report that provides recommendations for the addition or removal of judicial seats so that judicial resources are effectively distributed across the state.

The 2019 Judicial Resources Recommendations report (due to the pandemic, the most recent) recommended that a judge be added to the 63rd District.<sup>1</sup>

<sup>1</sup> <https://www.courts.michigan.gov/48ce3d/siteassets/reports/judicial-resources/2019-jrr.pdf>

The 2013 Judicial Resources Recommendations report had recommended that a judge be added to the 63rd District, and 2014 PA 60 authorized the judgeship beginning January 1, 2017, but this additional judge was not approved by Kent County.

#### **FISCAL IMPACT:**

House Bill 4920 would have an indeterminate fiscal impact on the state and on the county. The fiscal impact would result from the addition of one district court judge in Kent County, 63rd Judicial District. The state pays the salary, the employer portion of FICA taxes, and retirement benefits for district court judges. Fringe benefits, personnel costs, and costs for supplies, equipment, and office space are paid for by local court systems. In fiscal year 2024, the cost to the state for a district court judge will be \$196,351. This amount includes the district court judge's salary of \$172,134 and \$24,217 in estimated payroll taxes and retirement costs. State costs are funded roughly 98% with state GF/GP revenue. Local costs for judgeships vary from district to district. Kent County could also incur additional staff related costs if it increases the number of court staff positions.

#### **POSITIONS:**

Representatives of the following entities testified in support of the bill (9-6-23):

- State Court Administrative Office
- 63rd District Court
- Kent County

The Michigan Association of Counties indicated support for the bill. (9-13-23)

Legislative Analyst: Rick Yuille  
Fiscal Analyst: Robin Risko

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.