

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

***** 600.8121.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 2, 2015 *****

600.8121.amended Sixteenth district to thirty-fifth district.

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

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

(3) Except as otherwise provided in this subsection, the eighteenth district consists of the city of Westland, is a district of the third class, and has 2 judges. If the governing bodies of the cities of Westland and Wayne approve by resolutions the consolidation of the eighteenth and twenty-ninth districts prior to January 1, 2016, all of the following apply beginning January 1, 2016:

(a) The twenty-ninth district is abolished and the eighteenth district consists of the cities of Westland and Wayne, is a district of the third class, and has 3 judges. The additional judgeship in the eighteenth district shall be filled by the incumbent judge of the twenty-ninth district, who shall become a judge of the eighteenth district for the balance of the term to which he or she was elected or appointed. For purposes of the November 2018 general election only, the term of the candidate for district judge in the eighteenth district who receives the greatest number of votes is 10 years and the term of the candidate for district judge in the eighteenth district who receives the second greatest number of votes is 6 years.

(b) The clerks of the cities of Westland and Wayne shall file copies of the resolutions with the state court administrator, who, as authorized by the supreme court, shall notify the elections division of the department of state that the consolidation has been approved under this section. A resolution that is filed before January 2, 2015 is a valid approval of the consolidation.

(c) By proposing or authorizing the consolidation of the eighteenth and twenty-ninth districts, the legislature is not creating a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approves the consolidation, then the approval constitutes an exercise of the district control unit's option to increase the level of activity and service offered in that district control unit beyond that required by existing law, as the elements of that option are provided by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by that district control unit of all expenses and capital improvements that may result from the consolidation of the districts. However, the exercise of the option does not affect the state's obligation to pay the same portion of each judge's salary that is paid by the state to other district judges as provided by law, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law that becomes effective on or after December 23, 1978.

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

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

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

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

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

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

(10) The twenty-fifth district consists of the cities of Ecorse, Lincoln Park, and River Rouge, is a district of the third class, and has 2 judges.

(11) If the governing bodies of the cities of Southgate, Wyandotte, and Riverview approve by resolutions the formation of the twenty-sixth district by the consolidation of the twenty-seventh and twenty-eighth districts prior to January 1, 2016, all of the following apply beginning January 1, 2016:

(a) The twenty-sixth district is created by the consolidation of the former twenty-seventh and twenty-eighth districts, consists of the cities of Southgate, Wyandotte, and Riverview, is a district of the third class, and has 2 judges. The judgeships in the twenty-sixth district shall be filled by the individuals who were judges of the twenty-seventh and twenty-eighth districts on December 31, 2015, and who shall serve as judges of the twenty-sixth district for the balance of the terms to which they were elected or appointed. The twenty-seventh and twenty-eighth districts shall cease to exist as separate districts.

(b) The clerks of the cities of Southgate, Wyandotte, and Riverview shall file copies of the resolutions with the state court administrator, who, as authorized by the supreme court, shall notify the elections division of

the department of state that the consolidation has been approved under this section. A resolution that is filed before January 2, 2015 is a valid approval of the consolidation.

(c) By proposing or authorizing the consolidation of the twenty-seventh and twenty-eighth districts, the legislature is not creating a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approves the consolidation, then the approval constitutes an exercise of the district control unit's option to increase the level of activity and service offered in that district control unit beyond that required by existing law, as the elements of that option are provided by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by that district control unit of all expenses and capital improvements that may result from the consolidation of the districts. However, the exercise of the option does not affect the state's obligation to pay the same portion of each judge's salary that is paid by the state to other district judges as provided by law, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law that becomes effective on or after December 23, 1978.

(12) Except as otherwise provided in subsection (11), the twenty-seventh district consists of the cities of Wyandotte and Riverview, is a district of the third class, and has 1 judge.

(13) Except as otherwise provided in subsection (11), the twenty-eighth district consists of the city of Southgate, is a district of the third class, and has 1 judge.

(14) Except as otherwise provided in subsection (3), the twenty-ninth district consists of the city of Wayne, is a district of the third class, and has 1 judge.

(15) The thirtieth district consists of the city of Highland Park, is a district of the third class, and has 1 judge.

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

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

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

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

(a) Until the date determined under subdivision (b), 3 judges.

(b) Beginning on the earlier of the following dates, 2 judges:

(i) The date on which a vacancy occurs in the office of district judge in this district, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election.

(ii) The beginning date of the term for which an incumbent district judge in this district no longer seeks election or reelection to that office.

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

(21) The thirty-fifth district consists of the cities of Northville and Plymouth and the townships of Northville, Plymouth, and Canton in the county of Wayne, is a district of the third class, and has 3 judges.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1970, Act 25, Imd. Eff. June 2, 1970;—Am. 1972, Act 169, Imd. Eff. June 15, 1972;—Am. 1974, Act 145, Imd. Eff. June 7, 1974;—Am. 1977, Act 129, Imd. Eff. Oct. 21, 1977;—Am. 1978, Act 164, Imd. Eff. May 25, 1978;—Am. 1980, Act 127, Imd. Eff. May 22, 1980;—Am. 1982, Act 40, Imd. Eff. Mar. 16, 1982;—Am. 1990, Act 54, Imd. Eff. Apr. 11, 1990;—Am. 1994, Act 138, Imd. Eff. May 26, 1994;—Am. 2000, Act 449, Imd. Eff. Jan. 9, 2001;—Am. 2001, Act 255, Eff. Mar. 22, 2002;—Am. 2001, Act 258, Eff. Mar. 22, 2002;—Am. 2011, Act 300, Imd. Eff. Dec. 22, 2011;—Am. 2012, Act 37, Imd. Eff. Feb. 28, 2012;—Am. 2014, Act 58, Eff. Jan. 2, 2015.

Compiler's note: Sections 2 to 7 of Act 145 of 1974 provide:

“Effective date of changes.

“Section 2. The changes in the composition of judicial circuits or district court districts as provided in this amendatory act shall become effective for judicial purposes on January 1, 1975.

“Election of additional circuit and district judges; assumption of office; appearance of new judgeships on ballot; nominating petitions; incumbent judges.

“Section 3. The additional circuit and district judges authorized by this amendatory act shall be elected in 1974 and shall assume office on January 1, 1975. The new judgeships authorized by this amendatory act shall appear on the ballot separate and apart from other judicial offices on the ballot in the primary and general election in the respective judicial circuits and district court districts. If another judicial office of the same court is to be filled by election in the same circuit or district, a candidate for a new judgeship authorized in that circuit or district by this amendatory act shall indicate, at the time of filing his nominating petitions, whether he is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in the applicable year. Petitions for a new judgeship created by this act must bear signatures affixed thereto after the effective date of this act. Any incumbent circuit or district

judge whose term is expiring January 1, 1975, and who is seeking election to a judicial office of the same court in 1974 is entitled to the designation of his office even if he is a candidate for a new office of the same court authorized by this amendatory act.

“Nominating petitions.

“Section 4. Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/2 of 1% nor more than 2% of the total number of votes cast in that judicial circuit for secretary of state at the last preceding general November election in which a secretary of state was elected.

“Nomination, election, and terms of candidates for new circuit judgeships.

“Section 5. Notwithstanding the provisions of sections 3 and 4 of Act No. 169 of the Public Acts of 1972, the 10 candidates for the new circuit judgeships in the third judicial circuit created by Act No. 169 of the Public Acts of 1972 who receive the highest votes in the August primary election shall be deemed nominated for the 5 new judgeships created thereby. Of the additional judgeships so created for the third judicial circuit the candidate receiving the highest number of votes in the 1974 general election shall be elected for a term of 10 years, the candidates receiving the second and third highest number of votes shall be elected for a term of 8 years, and the candidates receiving the fourth and fifth highest number of votes shall be elected for a term of 6 years.

“Terms of additional circuit judges.

“Section 6. The additional circuit judges authorized by this amendatory act shall be elected for a term of 6 years except that the additional circuit judge authorized by this amendatory act in the forty-fourth judicial circuit shall be elected for a term of 8 years.

“Terms of additional district judges in certain districts.

“Section 7. In districts in which the district court is already functioning on the effective date of this amendatory act, the additional district judges authorized by this amendatory act shall be elected for a term of 6 years, except that the additional district judges authorized in the first election division of the ninth district and in the fifteenth district shall be elected for a term of 8 years and that the additional district judge authorized in the newly divided forty-first-a district shall be elected for a term of 4 years.”

Sections 2 to 7 of Act 164 of 1978 provide:

“Sections 600.6404, 600.6410, and 600.6413 effective January 1, 1979; effective date of changes in composition of judicial circuits or district court districts.

“Section 2. Sections 6404, 6410, and 6413 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, being sections 600.6404, 600.6410, and 600.6413 of the Compiled Laws of 1970, shall not take effect until January 1, 1979. Except as otherwise provided in sections 524, 527, and 534 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, being sections 600.524, 600.527, and 600.534 of the Compiled Laws of 1970, the changes in the composition of judicial circuits or district court districts as provided in this amendatory act shall become effective for judicial purposes on January 1, 1979.

“Election to fill new circuit and district judgeships; term.

“Section 3. Except as otherwise provided in sections 4, 5, 6 and 7, the new circuit and district judgeships created by this amendatory act shall be filled by election pursuant to Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws, for a term of 6 years commencing January 1, 1979.

“Ballot; nominating petition; affidavit of candidacy.

“Section 4. The new judgeships authorized by this amendatory act shall appear on the ballot separate and apart from other judicial offices on the ballot in the primary and general election in the respective circuit and district court districts. If another judicial office of the same court is to be filled by election in the same circuit or district, a candidate for a new judgeship authorized in that circuit or district by this amendatory act shall indicate, at the time of filing nominating petitions, whether the candidate is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in the applicable year. Petitions for a new judgeship created by this act shall bear signatures affixed to the petition after the effective date of this act. An elected incumbent circuit judge in a circuit in which the number of circuit judges has been increased by this amendatory act may become a candidate in the primary election for that office for any term for which a circuit judge is to be elected at the 1978 general election in that circuit by filing an affidavit of candidacy with the secretary of state not later than 4 days after the effective date of this amendatory act.

“Terms of judges.

“Section 5. Of the 2 additional judgeships created for the third judicial circuit, the candidate receiving the highest number of votes in the 1978 general election shall be elected for a term of 8 years and the candidate receiving the second highest number of votes shall be elected for a term of 6 years. Of the 3 additional judgeships created for the sixth judicial circuit, the candidate receiving the highest number of votes in the 1978 general election shall be elected for a term of 8 years and the candidates receiving the second and third highest number of votes shall be elected for a term of 6 years. Of the 2 additional judgeships created for the thirtieth judicial circuit, the candidate receiving the highest number of votes in the 1978 general election shall be elected for a term of 8 years and the candidate receiving the second highest number of votes shall be elected for a term of 6 years. The additional circuit judges authorized by this amendatory act in the eighth, seventeenth, and twenty-ninth judicial circuits shall be elected for a term of 8 years. The additional circuit judge authorized by this amendatory act in the eighteenth, thirty-first, thirty-eighth, and fortieth judicial circuits shall be elected for a term of 10 years. The additional district judges authorized in the thirty-fifth and forty-first-a districts and in the first division of the fifty-sixth district shall be elected for a term of 4 years.

“Election of additional judges; assumption and term of office.

“Section 6. (1) The additional district judges authorized by this amendatory act in the fifty-fourth-b district and the first division of the fifty-second district shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 4 years.

“(2) The additional circuit judge authorized by this amendatory act in the fourteenth judicial circuit shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 8 years.

“Residence of certain circuit judges; effect.

“Section 7. If the circuit judge elected in the twenty-sixth judicial circuit in 1978 is a resident of the county of Cheboygan on June 6, 1978, that person shall continue during the remainder of his or her term after January 1, 1981 as a judge of the thirty-third judicial circuit and the second circuit judgeship authorized by law for the twenty-sixth judicial circuit shall be filled by election in 1980 for a term of 8 years. If the circuit judge elected in the twenty-sixth judicial circuit in 1978 is a resident of 1 of the counties of Alpena, Montmorency, or Presque Isle on June 6, 1978, that person shall continue during the remainder of his or her term after January 1, 1981 as a judge of the twenty-sixth judicial circuit and the second circuit judgeship authorized by law for the thirty-third judicial circuit shall be filled by election in 1980 for a term of 6 years.”

Section 1 of Act 128 of 1980 provides:

“Enacting sections amended; revised judicature act of 1961.

“Section 1. Enacting sections 6 and 7 of Act No. 164 of the Public Acts of 1978 are amended to read as follows:

“Election of additional judges; assumption and terms of office.

“Section 6. (1) The additional district judge authorized by this amendatory act in the first division of the fifty-second district shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 8 years.

“(2) The additional circuit judge authorized by this amendatory act in the fourteenth judicial circuit shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 8 years.

“Twenty-sixth judicial circuit; vacancy; residence of candidates; eligibility of electors; failure of Cheboygan county to approve creation of fifty-third judicial circuit and circuit judgeship.

“Section 7. (1) If a vacancy occurs in the twenty-sixth judicial circuit between the effective date of this section, as amended, and June 3, 1980, candidates to fill the unexpired portion of the term shall be residents of the twenty-sixth judicial circuit as that circuit will be constituted on January 1, 1981, pursuant to this act. Electors of the counties of Alcona, Alpena, Montmorency, and Presque Isle shall be eligible to vote in the primary and general elections of 1980 to fill that vacancy and electors of those counties are qualified to sign and circulate nominating petitions for candidates to fill the vacancy.

“(2) If the county of Cheboygan does not approve the creation of the fifty-third judicial circuit and the circuit judgeship proposed for it pursuant to House Bill No. 5553 of the 1980 regular session of the legislature, the second circuit judgeship authorized by law for the thirty-third judicial circuit shall be filled by election in 1980 for a term of 6 years.”

Section 2 of Act 54 of 1990 provides:

“If a new judicial circuit of the circuit court is created under this amendatory act pursuant to section 550a, the change in the composition of the affected judicial circuits shall take effect for judicial purposes on January 1, 1991. If the fifty-sixth judicial circuit is created pursuant to this amendatory act, the incumbent judge of the fifth judicial circuit who resides in Eaton county shall become the judge of the fifty-sixth judicial circuit on January 1, 1991, and shall serve until the term for which he or she was elected in the fifth judicial circuit expires.”