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## VENUE; TRAFFIC CIVIL INFRACTIONS

### House Bill 5741 (Substitute H-3) First Analysis (4-30-98)

**Sponsor: Rep. David Gubow**  
**Committee: Judiciary**

#### ***THE APPARENT PROBLEM:***

When a police officer issues a traffic citation, the person is entitled to contest the ticket and have a hearing held on the issue. Although the majority of people simply pay their fines, if a person chooses to contest a citation, the key witness for the prosecution is the police officer who wrote the citation. If the officer does not appear for the hearing, the case is dismissed.

Where a hearing on a particular citation will be held is determined by the Revised Judicature Act, which sets the venue for civil infractions. Venue designates the particular county or city in which a court with jurisdiction may hear and determine the case. In actions for civil infractions, the venue is generally determined by and is in the county, district, or political subdivision where the infraction occurred. One drawback of this arrangement is that some state police posts are responsible for covering counties with a large number of district courts in their jurisdiction. Apparently, there can be as many as 33 different district courts under a particular police post's jurisdiction. Thus, the hearings on different citations issued by an individual officer could be held in a number of different district courts. In these situations, a particular officer may find that he or she has several hearings to attend on citations that he or she issued on the same day in several different courts. This creates a serious logistical problem, particularly when hearings take more time than is allotted or when there is insufficient time between cases to travel to the next court. As a result, in certain counties throughout the state, it is difficult for officers to attend hearings on traffic citations due to the number of different courts where they might have to appear. Furthermore, each district court has different court rules, regulations and guidelines that the officers must follow.

In order to alleviate the difficulty of forcing officers to attempt to attend hearings in so many different courts, it has been suggested that traffic violations be allowed

to be heard in a specific court-designated central district court, under certain circumstances.

#### ***THE CONTENT OF THE BILL:***

House Bill 5741 would amend the Revised Judicature Act to allow an alternative means for determining venue in counties that contained more than one judicial district. The bill would allow the state court administrator at the direction of the supreme court, the Department of State Police, and the local funding unit for a judicial district within the county to enter an agreement designating a judicial district as the venue for some or all of the traffic violation civil infractions that were issued within the county by the state police. The agreement would be subject to the approval of each of the local funding units for judicial districts that would otherwise have had venue. Furthermore, the agreement would not take precedence over the Code of Criminal Procedure's requirement that, following a warrantless arrest, an accused be taken before the judge or magistrate of the judicial district where the offense was committed. More than one district could be designated as a district of venue, but a separate agreement would have to be provided for each designation. The agreement could be amended by the parties and would take effect on the date agreed upon by the parties. Any one of the three parties to the agreement could cancel the agreement; however, the party canceling the agreement would have to give at least 180 days prior notice to the other parties.

The bill would specifically prohibit the funding unit for the 36th Judicial District (Detroit) from entering into an agreement under the bill.

MCL 600.8312

#### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

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**ARGUMENTS:**

**For:**

In larger counties, the current system produces a scheduling nightmare. In the State Police Metro North Post, which covers two counties and 33 district courts, the officers spend, on average, 40 percent of the working hours in traffic court, rather than out on patrol. The post has also had to hire staff to assist with scheduling officer's appearances in court. Even with the amount of time and effort spent to coordinate officers' appearances in traffic court, hearings on fully 17 percent of the traffic citations were dismissed because the officer who wrote the citation did not appear for the hearing.

Designating a specific court to serve as a traffic court would provide officers with a single distinct set of procedures and rules to follow, alleviate scheduling conflicts and eliminate much of the wasted time in driving from court to court that occurs under the current system, allowing officers to place greater emphasis on the more important aspects of their work.

Furthermore, the bill specifies an agreement to set up a designated court must have the approval of each of the local funding units for the judicial districts that would have been districts of venue but for the agreement.

**Against:**

The bill provides an exception from its provisions for arrests without a warrant, but does not mention arrests made with a warrant.

**POSITIONS:**

The Department of State Police supports the concept of the bill. (4-29-98)

Analyst: W. Flory

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