

HOUSE BILL No. 5741

April 2, 1998, Introduced by Rep. Gubow and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8312 (MCL 600.8312).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8312. (1) In a district of the first class, venue in
2 criminal actions for violations of state law and all city, vil-
3 lage, or township ordinances shall be in the county where the
4 violation took place.

5 (2) In a district of the second class, venue in criminal
6 actions for violations of state law and all city, village, or
7 township ordinances shall be in the district where the violation
8 took place.

9 (3) In a district of the third class, venue in criminal
10 actions for violations of state law and all city, village, or
11 township ordinances shall be in the political subdivision where

1 the violation took place, except that when the violation is
2 alleged to have taken place within a political subdivision where
3 the court is not required to sit, the action may be tried in any
4 political subdivision within the district where the court is
5 required to sit.

6 (4) With regard to state criminal violations cognizable by
7 the district court, the following special provisions shall
8 apply:

9 (a) If an offense is committed on the boundary of 2 or more
10 counties, districts, or political subdivisions or within 1 mile
11 thereof, venue is proper in any of the counties, districts, or
12 political subdivisions concerned.

13 (b) If an offense is committed in or upon any railroad
14 train, automobile, aircraft, vessel, or other conveyance in tran-
15 sit, and it cannot readily be determined in which county, dis-
16 trict, or political subdivision the offense was committed, venue
17 is proper in any county, district, or political subdivision
18 through or over which the conveyance passed in the course of its
19 journey.

20 (5) Venue in civil actions, other than civil infraction
21 actions, shall be governed by sections 1601 to 1659 except that
22 for purposes of this subsection all references to "county" in
23 sections 1601 to 1659 shall mean "district" with respect to dis-
24 tricts of the second and third class.

25 (6) Venue in civil infraction actions shall be determined as
26 follows:

1 (a) In a district of the first class, venue shall be in the
2 county where the civil infraction occurred.

3 (b) In a district of the second class, venue shall be in the
4 district where the civil infraction occurred.

5 (c) In a district of the third class, venue shall be in the
6 political subdivision where the civil infraction occurred, except
7 that when the violation is alleged to have taken place within a
8 political subdivision where the court is not required to sit, the
9 action may be heard or an admission entered in any political sub-
10 division within the district where the court is required to sit.

11 (7) NOTWITHSTANDING SUBSECTIONS (1) TO (6), IN A COUNTY THAT
12 CONTAINS MORE THAN 1 JUDICIAL DISTRICT, VENUE FOR AN ACTION ARISING
13 OUT OF A CITATION ISSUED WITHIN THAT COUNTY BY THE DEPARTMENT
14 OF STATE POLICE FOR A VIOLATION OF THE MICHIGAN VEHICLE CODE,
15 1949 PA 300, MCL 257.1 TO 257.923, IS DETERMINED AS FOLLOWS:

16 (A) UNLESS AN AGREEMENT DESCRIBED IN SUBDIVISION (B) IS IN
17 EFFECT, VENUE IS DETERMINED AS PROVIDED IN SUBSECTIONS (1) TO
18 (6).

19 (B) THE STATE COURT ADMINISTRATOR, THE DEPARTMENT OF STATE
20 POLICE, AND THE LOCAL FUNDING UNIT FOR A JUDICIAL DISTRICT WITHIN
21 THE COUNTY MAY AGREE TO DESIGNATE THAT DISTRICT AS BEING A DIS-
22 TRICT FOR VENUE FOR ACTIONS DESCRIBED IN THIS SUBSECTION. MORE
23 THAN 1 DISTRICT IN THE COUNTY MAY BE DESIGNATED AS A DISTRICT OF
24 VENUE UNDER THIS SUBDIVISION, BUT A SEPARATE AGREEMENT IS
25 REQUIRED FOR EACH DESIGNATION. AN AGREEMENT UNDER THIS SUBDIVI-
26 SION SHALL BE EFFECTIVE ON A DATE AGREED UPON BY THE PARTIES AND
27 MAY BE MODIFIED BY AGREEMENT OF THE PARTIES. AN AGREEMENT UNDER

1 THIS SUBDIVISION MAY BE CANCELED BY ANY OF THE 3 PARTIES, SUBJECT
2 TO GIVING AT LEAST 180 DAYS' PRIOR NOTICE OF INTENT TO CANCEL TO
3 BOTH OF THE OTHER PARTIES.

4 (8) ~~(7)~~ For purposes of venue, a city which is located in
5 more than 1 county and which is placed in 1 district of the first
6 class by chapter 81 ~~,~~ shall be considered a part of that county
7 which contains the greater portion of its population.