

HOUSE BILL No. 5124

October 31, 2013, Introduced by Reps. Leonard, Cotter and Walsh and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 502, 504, 516, and 8121 (MCL 600.502, 600.504, 600.516, and 600.8121), section 504 as amended by 2011 PA 300 and section 8121 as amended by 2012 PA 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), THE**
2 first judicial circuit consists of the county of Hillsdale and has
3 1 judge.

4 (2) **BEGINNING JANUARY 1, 2016, THE FIRST JUDICIAL CIRCUIT**
5 **CONSISTS OF THE COUNTIES OF HILLSDALE AND BRANCH AND HAS 2 JUDGES.**
6 **THE ADDITIONAL JUDGESHIP IN THIS CIRCUIT SHALL BE FILLED BY THE**
7 **INCUMBENT JUDGE OF THE FIFTEENTH JUDICIAL CIRCUIT, WHO SHALL BECOME**
8 **A JUDGE OF THE FIRST JUDICIAL CIRCUIT FOR THE BALANCE OF THE TERM**
9 **TO WHICH HE OR SHE WAS ELECTED OR APPOINTED. BEGINNING JANUARY 2,**

1 2016, THE FIRST JUDICIAL CIRCUIT HAS 1 CIRCUIT JUDGE BEGINNING ON
2 THE EARLIER OF THE FOLLOWING DATES:

3 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
4 CIRCUIT JUDGE IN THE FIRST JUDICIAL CIRCUIT, UNLESS THE VACANCY
5 OCCURS AFTER A JUDGE'S SUCCESSOR IN OFFICE HAS BEEN ELECTED BUT
6 BEFORE THAT SUCCESSOR TAKES OFFICE.

7 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
8 CIRCUIT JUDGE IN THE FIRST JUDICIAL CIRCUIT NO LONGER SEEKS
9 ELECTION OR REELECTION TO THAT OFFICE.

10 (3) IF 2 CIRCUIT JUDGES ARE TO BE ELECTED AT THE NOVEMBER 2020
11 GENERAL ELECTION IN THE FIRST JUDICIAL CIRCUIT, FOR THAT ELECTION
12 ONLY THE TERM OF THE CANDIDATE FOR CIRCUIT JUDGE WHO RECEIVES THE
13 GREATEST NUMBER OF VOTES IS 8 YEARS AND THE TERM OF THE CANDIDATE
14 FOR CIRCUIT JUDGE WHO RECEIVES THE SECOND GREATEST NUMBER OF VOTES
15 IS 6 YEARS.

16 Sec. 504. The third judicial circuit consists of the county of
17 Wayne and has the following number of judges:

18 (a) Until 12 noon, January 1, ~~2013, 61~~ 2015, 60 judges.

19 (b) Beginning 12 noon, January 1, ~~2013, 60~~ 2015, 56 judges.

20 Sec. 516. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (2), THE
21 fifteenth judicial circuit consists of the county of Branch and has
22 1 judge.

23 (2) BEGINNING JANUARY 1, 2016, ALL OF THE FOLLOWING APPLY:

24 (A) THE FIFTEENTH JUDICIAL CIRCUIT IS ABOLISHED AND THE
25 INCUMBENT JUDGE OF THE FIFTEENTH JUDICIAL CIRCUIT SHALL BECOME A
26 JUDGE OF THE FIRST JUDICIAL CIRCUIT FOR THE BALANCE OF THE TERM TO
27 WHICH HE OR SHE WAS ELECTED OR APPOINTED.

1 (B) ALL FILES, RECORDS, AND PENDING CASES OF THE FIFTEENTH
2 JUDICIAL CIRCUIT COURT SHALL BE TRANSFERRED TO THE FIRST JUDICIAL
3 CIRCUIT COURT, AND THE FIRST JUDICIAL CIRCUIT COURT SHALL EXERCISE
4 ALL POWERS IN REGARD TO THOSE FILES, RECORDS, AND CASES AS
5 PRESCRIBED BY THE SUPREME COURT. THE FIRST JUDICIAL CIRCUIT COURT
6 SHALL HAVE JURISDICTION TO HEAR AND DETERMINE ALL CASES TRANSFERRED
7 UNDER THIS SUBDIVISION AND SHALL EXERCISE ALL AUTHORITY WITH REGARD
8 TO THOSE CASES AS THOUGH THE CASES HAD BEEN COMMENCED IN THAT
9 COURT.

10 (C) ALL ORDERS AND JUDGMENTS OF THE FIFTEENTH JUDICIAL CIRCUIT
11 COURT SHALL BE APPEALABLE IN LIKE MANNER AND TO THE SAME COURTS AS
12 APPLICABLE BEFORE JANUARY 1, 2016.

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

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

18 (3) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
19 eighteenth district consists of the city of Westland, is a district
20 of the third class, and has 2 judges. IF THE GOVERNING BODIES OF
21 THE CITY OF WESTLAND AND THE CITY OF WAYNE APPROVE BY RESOLUTIONS
22 THE CONSOLIDATION OF THE EIGHTEENTH AND TWENTY-NINTH DISTRICTS
23 BEFORE JANUARY 1, 2016, ALL OF THE FOLLOWING APPLY EFFECTIVE
24 JANUARY 1, 2016:

25 (A) THE TWENTY-NINTH DISTRICT IS ABOLISHED AND THE EIGHTEENTH
26 DISTRICT CONSISTS OF THE CITY OF WESTLAND AND THE CITY OF WAYNE, IS
27 A DISTRICT OF THE THIRD CLASS, AND HAS 3 JUDGES. THE ADDITIONAL

1 JUDGESHIP IN THE EIGHTEENTH DISTRICT SHALL BE FILLED BY THE
2 INCUMBENT JUDGE OF THE TWENTY-NINTH DISTRICT, WHO SHALL BECOME A
3 JUDGE OF THE EIGHTEENTH DISTRICT FOR THE BALANCE OF THE TERM TO
4 WHICH HE OR SHE WAS ELECTED OR APPOINTED. FOR PURPOSES OF THE
5 NOVEMBER 2018 GENERAL ELECTION ONLY, THE TERM OF THE CANDIDATE FOR
6 DISTRICT JUDGE IN THE EIGHTEENTH DISTRICT WHO RECEIVES THE GREATEST
7 NUMBER OF VOTES IS 10 YEARS AND THE TERM OF THE CANDIDATE FOR
8 DISTRICT JUDGE IN THE EIGHTEENTH DISTRICT WHO RECEIVES THE SECOND-
9 GREATEST NUMBER OF VOTES IS 6 YEARS.

10 (B) THE CLERK OF THE CITY OF WESTLAND AND THE CLERK OF THE
11 CITY OF WAYNE SHALL FILE COPIES OF THE RESOLUTIONS WITH THE STATE
12 COURT ADMINISTRATOR, WHO, AS AUTHORIZED BY THE SUPREME COURT, SHALL
13 NOTIFY THE ELECTIONS DIVISION OF THE DEPARTMENT OF STATE THAT THE
14 CONSOLIDATION HAS BEEN APPROVED UNDER THIS SECTION.

15 (C) BY PROPOSING OR AUTHORIZING THE CONSOLIDATION OF THE
16 EIGHTEENTH AND TWENTY-NINTH DISTRICTS, THE LEGISLATURE IS NOT
17 CREATING A NEW OBLIGATION FOR ANY AFFECTED DISTRICT CONTROL UNIT.
18 IF A DISTRICT CONTROL UNIT, ACTING THROUGH ITS GOVERNING BODY,
19 APPROVES THE CONSOLIDATION, THEN THE APPROVAL CONSTITUTES AN
20 EXERCISE OF THE DISTRICT CONTROL UNIT'S OPTION TO INCREASE THE
21 LEVEL OF ACTIVITY AND SERVICE OFFERED IN THAT DISTRICT CONTROL UNIT
22 BEYOND THAT REQUIRED BY EXISTING LAW, AS THE ELEMENTS OF THAT
23 OPTION ARE DEFINED BY 1979 PA 101, MCL 21.231 TO 21.244, AND A
24 VOLUNTARY ACCEPTANCE BY THAT DISTRICT CONTROL UNIT OF ALL EXPENSES
25 AND CAPITAL IMPROVEMENTS THAT MAY RESULT FROM THE CONSOLIDATION OF
26 THE DISTRICTS. HOWEVER, THE EXERCISE OF THE OPTION DOES NOT AFFECT
27 THE STATE'S OBLIGATION TO PAY THE SAME PORTION OF EACH JUDGE'S

1 SALARY THAT IS PAID BY THE STATE TO OTHER DISTRICT JUDGES AS
2 PROVIDED BY LAW, OR TO APPROPRIATE AND DISBURSE FUNDS TO THE
3 DISTRICT CONTROL UNIT FOR THE NECESSARY COSTS OF STATE REQUIREMENTS
4 ESTABLISHED BY A STATE LAW THAT BECOMES EFFECTIVE ON OR AFTER
5 DECEMBER 23, 1978.

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

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

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

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

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

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

19 (10) The twenty-fifth district consists of the ~~city of Lincoln~~
20 ~~Park, is a district of the third class, and has 2 judges. Beginning~~
21 ~~April 1, 2012, the twenty-fifth district consists of the cities of~~
22 Ecorse, Lincoln Park, and River Rouge, is a district of the third
23 class, and has 3 judges. The additional judgeship in the twenty-
24 fifth district shall be filled by the incumbent judge of the
25 twenty-sixth district, who shall become a judge of the twenty-fifth
26 district for the balance of the term to which he or she was elected
27 or appointed. Sections 8175 and 8176 do not apply to the

1 consolidation of the twenty-fifth and twenty-sixth districts.

2 Beginning April 2, 2012, the twenty-fifth district has 2 judges.

3 (11) The twenty-sixth district consists of the cities of River
4 Rouge and Ecorse, is a district of the third class, and has 1
5 judge. Beginning on April 1, 2012, the twenty-sixth district is
6 abolished and the judge of the twenty-sixth district shall become a
7 judge of the twenty-fifth district for the balance of the term to
8 which he or she was elected or appointed.

9 (12) The twenty-seventh district consists of the cities of
10 Wyandotte and Riverview, is a district of the third class, and has
11 1 judge.

12 (13) The twenty-eighth district consists of the city of
13 Southgate, is a district of the third class, and has 1 judge.

14 (14) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (3), THE** twenty-
15 ninth district consists of the city of Wayne, is a district of the
16 third class, and has 1 judge.

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

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

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

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

27 (19) The thirty-third district consists of the cities of

1 Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the
2 townships of Brownstown and Grosse Ile in the county of Wayne, is a
3 district of the third class, and has the following number of
4 judges:

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

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

7 (i) The date on which a vacancy occurs in the office of
8 district judge in this district **UNLESS THE VACANCY OCCURS AFTER THE**
9 **JUDGE'S SUCCESSOR IN OFFICE HAS BEEN ELECTED BUT BEFORE THAT**
10 **SUCCESSOR TAKES OFFICE.**

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

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

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