

# SENATE BILL No. 113

February 8, 1989, Introduced by Senators NICHOLS and KELLY and referred to the Committee on Judiciary.

A bill to amend sections 8251 and 8501 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 135 of the Public Acts of 1988, being sections 600.8251 and 600.8501 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 8251 and 8501 of Act No. 236 of the  
2 Public Acts of 1961, as amended by Act No. 135 of the Public Acts  
3 of 1988, being sections 600.8251 and 600.8501 of the Michigan  
4 Compiled Laws, are amended to read as follows:

5       Sec. 8251. (1) In districts of the first class, the court  
6 shall sit at each county seat and at each city having a popula-  
7 tion of 3,250 or more, except the court shall not be required to  
8 sit at any city ~~when~~ IF it is contiguous to the county seat or  
9 contiguous to a city having a greater population. The court

1 shall also sit at other places as the judges of the district  
2 determine. The court shall sit not less than once each week in  
3 each county of a multicounty district.

4 (2) In districts of the second class, the court shall sit at  
5 any county seat within the district, at each city and incorpo-  
6 rated village within the district having a population of 3,250 or  
7 more, except that when 2 or more cities or incorporated villages  
8 are contiguous the court need sit only in the city having the  
9 greater population. The court shall not be required to sit in  
10 any political subdivision if the governing body of that subdivi-  
11 sion by resolution and the court agree that the court shall not  
12 sit in the political subdivision. If the district does not con-  
13 tain a county seat and does not contain any city or incorporated  
14 village having a population of 3,250 or more, the court shall sit  
15 at a place or places within the district which the judges of the  
16 district shall determine. In addition to the place or places  
17 where the court is required to sit, the court may upon agreement  
18 of a majority of the judges of the district and upon approval by  
19 resolution of the board of commissioners also sit at the county  
20 seat of its district control unit situated outside the district,  
21 but the court shall sit not less than once each week within the  
22 district. If the district does not contain any city, then the  
23 foregoing provisions of this subsection shall not apply to the  
24 district, and the court shall sit at the county seat of its dis-  
25 trict control unit situated outside the district. In addition to  
26 the place or places where the court is required to sit pursuant  
27 to the provisions of this subsection, the court may sit at a

1 place or places within the district as the judges of the district  
2 determine. Whenever the court sits at a county seat situated  
3 outside the district pursuant to this subsection, it shall exer-  
4 cise the same powers, jurisdiction, and venue as if sitting  
5 within the district.

6 (3) In districts of the third class, the court shall sit at  
7 each city having a population of 3,250 or more and within each  
8 township having a population of 12,000 or more and at other  
9 places as the judges of the district determine. The court shall  
10 not be required to sit in any political subdivision if the gov-  
11 erning body of that subdivision by resolution and the court agree  
12 that the court shall not sit in the political subdivision.

13 (4) Each judge of the district shall sit at places within  
14 the district as the presiding judge designates.

15 (5) THE CHIEF JUDGES OF THE VARIOUS DISTRICTS OF THE DIS-  
16 TRICT COURT WITHIN A COUNTY, ACTING JOINTLY, MAY DESIGNATE A  
17 LOCATION WHERE ARRAIGNMENTS MAY BE CONDUCTED OUTSIDE OF NORMAL  
18 COURT HOURS FOR ALL OF THE DISTRICTS WITHIN THAT COUNTY.

19 (6) ~~(5) Whenever the word~~ AS USED IN THIS SECTION,  
20 "population" ~~is used, it~~ means population according to the most  
21 recent federal decennial census, except that the most recent  
22 census shall not apply until the expiration of 18 months from the  
23 date on which the census is taken.

24 Sec. 8501. (1) In a county which elects by itself fewer  
25 than 2 district judges, the county board of commissioners shall  
26 provide for 1 district court magistrate. In all other counties  
27 in districts of the first and second class, the county board of

1 commissioners shall provide for at least 1 magistrate when  
2 recommended by the judges of the district. Additional magis-  
3 trates may be provided by the board upon recommendation of the  
4 judges. All magistrates provided for shall be appointed by the  
5 judges of the district and the appointments shall be subject to  
6 approval by the county board of commissioners before a person  
7 assumes the duties of the office of magistrate.

8 (2) In each district of the third class, the judge or judges  
9 of the district may appoint 1 or more district court  
10 magistrates. A person shall not be appointed magistrate unless  
11 the person is a registered elector in the district for which the  
12 person was appointed. Before a person assumes the duties of the  
13 office of magistrate in a district of the third class, the  
14 appointment of that person as a district court magistrate shall  
15 be subject to approval by the governing body or bodies of the  
16 district control unit or units which, individually or in the  
17 aggregate, contain more than 50% of the population of the  
18 district. This subsection shall not apply to the thirty-sixth  
19 district.

20 (3) The thirty-sixth district shall have not more than 6  
21 district court magistrates. The chief judge of the thirty-sixth  
22 district may appoint 1 or more magistrates as permitted by this  
23 subsection. If a vacancy occurs in the office of district court  
24 magistrate, the chief judge may appoint a successor. Each magis-  
25 trate appointed under this subsection shall serve at the pleasure  
26 of the chief judge of the thirty-sixth district.

1           (4) A person shall not be appointed district court  
2 magistrate under subsection (3) unless the person is a registered  
3 elector in the district.

4           (5) THE CHIEF JUDGES OF THE VARIOUS DISTRICTS OF THE DIS-  
5 TRICT COURT WITHIN A COUNTY, ACTING JOINTLY, MAY WITH THE  
6 APPROVAL OF THE STATE COURT ADMINISTRATOR AND THE CONCURRENCE OF  
7 THE GOVERNING BODY OF THE COUNTY, APPOINT A MAGISTRATE TO CONDUCT  
8 ARRAIGNMENTS OUTSIDE OF NORMAL COURT HOURS FOR ALL OF THE DIS-  
9 TRICTS WITHIN THAT COUNTY. THE MAGISTRATE APPOINTED PURSUANT TO  
10 THIS SUBSECTION SHALL BE A RESIDENT OF THE COUNTY IN WHICH HE OR  
11 SHE IS APPOINTED.