



# HOUSE JOINT RESOLUTION S

September 27, 1995, Introduced by Reps. Nye, Walberg, Voorhees, LeTarte, Middleton, Green, Law, Geiger, Bobier, Bush, Galloway and Llewellyn and referred to the Committee on Judiciary and Civil Rights.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 1, 11, 18, 19, 22, 23, 27, 29, and 30 of article VI and repealing sections 12, 13, 15, and 16 of article VI, to provide for the reorganization of the judicial branch.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide for the reorganization of the judicial branch, is proposed, agreed to, and submitted to the people of the state:

## ARTICLE VI

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2       Sec. 1. The judicial power of the state is vested exclu-  
3 sively in one court of justice which shall be divided into one  
4 supreme court, one court of appeals, ~~one~~ AND trial ~~court~~  
5 COURTS of general ~~jurisdiction known as the circuit court, one~~

1 ~~probate court, and courts of limited~~ jurisdiction that the  
2 legislature may establish by a two-thirds vote of the members  
3 elected to and serving in each house.

4       Sec. 11. The state shall be divided into judicial ~~circuits~~  
5 ~~along county lines~~ UNITS AS PROVIDED BY LAW in each of which  
6 there shall be ~~elected one or more circuit judges as provided by~~  
7 ~~law. Sessions of the circuit court shall be held at least four~~  
8 ~~times in each year in every county organized for judicial~~  
9 ~~purposes. Each circuit judge shall hold court in the county or~~  
10 ~~counties within the circuit in which he is elected, and in other~~  
11 ~~circuits as may be provided by rules of the supreme court. The~~  
12 ~~number of judges may be changed and circuits may be created,~~  
13 ~~altered and discontinued by law and the number of judges shall be~~  
14 ~~changed and circuits shall be created, altered and discontinued~~  
15 ~~on recommendation of the supreme court to reflect changes in~~  
16 ~~judicial activity. No change in the number of judges or alter-~~  
17 ~~ation or discontinuance of a circuit shall have the effect of~~  
18 ~~removing a judge from office during his term.~~ A FAMILY COURT, A  
19 CIRCUIT COURT, AND A DISTRICT COURT.

20       ~~Sec. 12. Circuit judges shall be nominated and elected at~~  
21 ~~non partisan elections in the circuit in which they reside, and~~  
22 ~~shall hold office for a term of six years and until their succes-~~  
23 ~~sors are elected and qualified. In circuits having more than one~~  
24 ~~circuit judge their terms of office shall be arranged by law to~~  
25 ~~provide that not all terms will expire at the same time.~~

26       ~~Sec. 13. The circuit court shall have original~~  
27 ~~jurisdiction in all matters not prohibited by law, appellate~~

1 ~~jurisdiction from all inferior courts and tribunals except as~~  
2 ~~otherwise provided by law; power to issue, hear and determine~~  
3 ~~prerogative and remedial writs; supervisory and general control~~  
4 ~~over inferior courts and tribunals within their respective juris-~~  
5 ~~dictions in accordance with rules of the supreme court; and~~  
6 ~~jurisdiction of other cases and matters as provided by rules of~~  
7 ~~the supreme court.~~

8       ~~Sec. 15. In each county organized for judicial purposes~~  
9 ~~there shall be a probate court. The legislature may create or~~  
10 ~~alter probate court districts of more than one county if approved~~  
11 ~~in each affected county by a majority of the electors voting on~~  
12 ~~the question. The legislature may provide for the combination of~~  
13 ~~the office of probate judge with any judicial office of limited~~  
14 ~~jurisdiction within a county with supplemental salary as provided~~  
15 ~~by law. The jurisdiction, powers and duties of the probate court~~  
16 ~~and of the judges thereof shall be provided by law. They shall~~  
17 ~~have original jurisdiction in all cases of juvenile delinquents~~  
18 ~~and dependents, except as otherwise provided by law.~~

19       ~~Sec. 16. One or more judges of probate as provided by law~~  
20 ~~shall be nominated and elected at non-partisan elections in the~~  
21 ~~counties or the probate districts in which they reside and shall~~  
22 ~~hold office for terms of six years and until their successors are~~  
23 ~~elected and qualified. In counties or districts with more than~~  
24 ~~one judge the terms of office shall be arranged by law to provide~~  
25 ~~that not all terms will expire at the same time.~~

26       Sec. 18. Salaries of justices of the supreme court, of the  
27 judges of the court of appeals, AND of the ~~circuit~~ judges

1 ~~within a circuit, and of the probate judges within a county or~~  
2 ~~district,~~ OF TRIAL COURTS OF GENERAL JURISDICTION shall be uni-  
3 form ~~,~~ and ~~may be increased but shall not be decreased during~~  
4 ~~a term of office except and only to the extent of a general~~  
5 ~~salary reduction in all other branches of government~~ SHALL BE  
6 DETERMINED AS PROVIDED BY LAW.

7 ~~Each of the judges of the circuit court shall receive an~~  
8 ~~annual salary as provided by law. In addition to the salary~~  
9 ~~received from the state, each circuit judge may receive from any~~  
10 ~~county in which he regularly holds court an additional salary as~~  
11 ~~determined from time to time by the board of supervisors of the~~  
12 ~~county. In any county where an additional salary is granted, it~~  
13 ~~shall be paid at the same rate to all circuit judges regularly~~  
14 ~~holding court therein.~~

15 Sec. 19. The supreme court, the court of appeals, ~~the cir-~~  
16 ~~cuit court, the probate court and other courts designated as such~~  
17 ~~by the legislature~~ AND THE TRIAL COURTS OF GENERAL JURISDICTION  
18 shall be courts of record and each shall have a common seal.  
19 Justices and judges of courts of record must be persons who are  
20 licensed to practice law in this state. No person shall be  
21 elected or appointed to a judicial office after reaching the age  
22 of 70 years.

23 Sec. 22. Any judge of the court of appeals, circuit court,  
24 or ~~probate court~~ TRIAL COURT OF GENERAL JURISDICTION may become  
25 a candidate in the primary election for the office of which he is  
26 the incumbent by filing an affidavit of candidacy in the form and  
27 manner prescribed by law.

1        Sec. 23. A vacancy shall occur in the office of judge of  
2 any court of record ~~or in the district court~~ by death, removal,  
3 resignation or vacating of the office, and such vacancy shall be  
4 filled by appointment by the governor. The person appointed by  
5 the governor shall hold office until 12 noon of the first day of  
6 January next succeeding the first general election held after the  
7 vacancy occurs, at which election a successor shall be elected  
8 for the remainder of the unexpired term. Whenever a new office  
9 of judge in a court of record ~~, or the district court,~~ is cre-  
10 ated by law, it shall be filled by election as provided by law.  
11 The supreme court may authorize persons who have been elected and  
12 served as judges to perform judicial duties for limited periods  
13 or specific assignments.

14        Sec. 27. The supreme court, the court of appeals, ~~the cir-~~  
15 ~~cuit court~~ A TRIAL COURT OF GENERAL JURISDICTION, or any jus-  
16 tices or judges thereof, shall not exercise any power of appoint-  
17 ment to public office except as provided in this constitution.

18        Sec. 29. Justices of the supreme court, judges of the court  
19 of appeals, ~~circuit judges~~ and ~~other~~ judges OF TRIAL COURTS  
20 OF GENERAL JURISDICTION as provided by law shall be conservators  
21 of the peace within their respective jurisdictions.

22        Sec. 30. (1) A judicial tenure commission is established  
23 consisting of nine persons selected for three-year terms as  
24 follows: Four members shall be judges elected by the judges of  
25 the courts in which they serve; one shall be a court of appeals  
26 judge ~~, one a circuit judge, one a probate judge and one a~~  
27 ~~judge of a court of limited~~ THREE SHALL BE JUDGES OF TRIAL

1 COURTS OF GENERAL jurisdiction. Three shall be members of the  
2 state bar who shall be elected by the members of the state bar of  
3 whom one shall be a judge and two shall not be judges. Two shall  
4 be appointed by the governor; the members appointed by the gover-  
5 nor shall not be judges, retired judges or members of the state  
6 bar. Terms shall be staggered as provided by rule of the supreme  
7 court. Vacancies shall be filled by the appointing power.

8       (2) On recommendation of the judicial tenure commission, the  
9 supreme court may censure, suspend with or without salary, retire  
10 or remove a judge for conviction of a felony, physical or mental  
11 disability which prevents the performance of judicial duties,  
12 misconduct in office, persistent failure to perform his duties,  
13 habitual intemperance or conduct that is clearly prejudicial to  
14 the administration of justice. The supreme court shall make  
15 rules implementing this section and providing for confidentiality  
16 and privilege of proceedings.

17       Resolved further, That the foregoing amendment shall be sub-  
18 mitted to the people of the state at the next general election in  
19 the manner provided by law.