
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5741 (Substitute H-3 as passed by the House)
Sponsor: Representative David Gubow
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 11-10-98

CONTENT

The bill would amend the Revised Judicature Act to authorize the designation of a single judicial district within a multidistrict county as the district of venue for actions arising out of citations issued within the county by the Department of State Police for violations of the Michigan Vehicle Code.

Under the bill, in a county that contained more than one judicial district, the State Court Administrator at the direction of the Michigan Supreme Court, the Department of State Police, and the local funding unit for a judicial district within the county could agree to designate that district as being a district for venue for some or all actions arising out of a citation issued in the county by the State Police for a violation of the Vehicle Code. An agreement would not be valid unless it were approved by each of the local funding units for judicial districts that otherwise would have been the district of venue for actions described in the agreement. If an agreement were entered into, venue for an action described in the agreement would have to be set as described in the agreement.

These provisions would be subject to the requirement under the Code of Criminal Procedure that a peace officer who has arrested a person for an offense without a warrant take the person, without unnecessary delay, before a magistrate of the judicial district in which the offense was charged to have been committed, and present to the magistrate a complaint stating the charge against the person (MCL 764.13).

More than one district in a county could be designated as a district of venue under the bill, but a separate agreement would be required for each designation. An agreement would be effective on a date agreed upon by the parties and could be modified by agreement of those parties. Any of the three parties could cancel an agreement, subject to giving at least 180 days' prior notice of intent to cancel to both of the other parties.

The bill specifically provides that the funding unit for the 36th Judicial District (the City of Detroit) could not enter into an agreement under the bill.

MCL 600.8312

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would result in administrative savings to the Department of State Police from more efficient scheduling of court appearances by officers and reduced overtime requirements. The Metro North Post of the Department of State Police reports that of its \$233,000 overtime budget, approximately 48% is related to court appearances. The Department also states that approximately 6,000 traffic tickets issued by the Metro North Post were dismissed in 1997 and that a major portion of those dismissals was due to the officer's not appearing at the hearing. The savings to the Department would result mainly in counties with multiple district courts (Wayne, Oakland, and Macomb). Statewide, the Department of State Police issued 507,478 citations in 1996 and 445,661 in 1997.

The State Court Administrative Office did not provide an estimate for its costs, but stated that administrative costs would be incurred from staff time related to implementation of the agreements. Any impact on local units related to division of a local unit's share of court costs would be controlled by the agreements. Additional revenue from court fines and fees would depend on the impact the bill would have on reducing the number of State Police citations that are dismissed based on the failure of officers to appear at hearings.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.