House
Legislative
Analysis
Section

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

DISTRICT COURT PLACEMENT

House Bill 4078 (Substitute H-2)
First Analysis (4-2-03)

Sponsor: Rep. Scott Hummel
Committee: Judiciary

THE APPARENT PROBLEM:

Under current law, a district court in a "first class district"--a district consisting of one or more counties, each of which is responsible for maintaining, financing, and operating the court within its boundaries--is required to sit at each county seat and at each other city having a population of 3,250 or more, unless that city is contiguous to the county seat or to a city having a greater population. (In addition, the judges of the district may determine that it is appropriate to sit at other places in the district.) According to committee testimony, this provision, which dates back to 1968, was a compromise between competing interests in accessibility and efficiency. Reportedly, the legislature wanted to strike a balance that both ensured that residents living in the most remote corners of a district would have reasonably convenient access to a court, and also recognized that mandating drastically underutilized, county-funded courts would prove unduly burdensome for the counties. Requiring courts to sit in population centers throughout a county--cities of 3,250 and up--in addition to the county seat, was an attempt to achieve this balance.

Some counties find that the "carefully crafted compromise" establishing 3,250 as a significant population base has outlived its usefulness. In fact, in several first class districts, courts do not sit in places where the statute requires them to sit. In some cases, noncompliance may have arisen when a city with a population less than the threshold grew to over 3,250 residents and the judges simply did not realize that they were required to sit there. In other cases, judges and county officials may simply have reasoned that it would be a waste of limited resources to hold court in a city where the court would rarely be used or in a city that is within several miles of another court location that provided relatively convenient access anyway.

Legislation has been introduced to update the population thresholds used for requiring first class district courts to sit in specific cities.

THE CONTENT OF THE BILL:

Under the Revised Judicature Act of 1961 (Public Act 236), in a first class district, the court is required to sit at each county seat and at each city having a population of 3,250 or more, unless the city is contiguous to the county seat or to a city having a greater population. The bill would amend the act to eliminate the general requirement that first class district courts sit in cities having a population of 3,250 or more. However, the bill would add a requirement that a court sit at any city having a population of 6,500 or more in any first class district consisting of one county with a population greater than 130,000, unless that city was contiguous to the county seat or to a city having a greater population.

MCL 600.8251

BACKGROUND INFORMATION:

The bill would amend the Revised Judicature Act so that first class district courts were no longer statutorily required to sit in specific locations mentioned below. In some cases, the court may not currently sit where it is required to sit.

In Allegan County, the court would no longer be required to sit in Otsego, Plainwell, and Wayland.

In Berrien County, the court would no longer be required to sit in Buchanan but would still have to sit in Niles.

In Cass County, the court would no longer be required to sit in Dowagiac.

In Charlevoix County, the court would no longer be required to sit in Boyne City.

In Clinton County, the court would no longer be required to sit in DeWitt.

In Delta County, the court would no longer be required to sit in Gladstone.

In Dickinson County, the court would no longer be required to sit in Kingsford.

In Eaton County, the court would no longer be required to sit in Eaton Rapids or Grand Ledge.

In Gogebic County, the court would no longer be required to sit in Ironwood

In Gratiot County, the court would no longer be required to sit in Alma or St. Louis.

In Ionia County, the court would no longer be required to sit in Belding or Portland.

In Iron County, the court would no longer be required to sit in Iron River.

In Lapeer County, the court would no longer be required to sit in Imlay City.

In Lenawee County, the court would no longer be required to sit in Tecumseh.

In Marquette County, the court would no longer be required to sit in Ishpeming or Negaunee.

In Montcalm County, the court would no longer be required to sit in Greenville.

In Newaygo County, the court would no longer be required to sit in Fremont.

In Ottawa County, the court would no longer be required to sit in Coopersville or Zeeland, but would still have to sit in Holland and Hudsonville.

In Saginaw County, the court would no longer be required to sit in Frankenmuth.

In Shiawassee County, the court would no longer be required to sit in Durand or Owosso.

In St. Clair County, the court would no longer be required to sit in Algonac, Marine City, or St. Clair.

In St. Joseph County, the court would no longer be required to sit in Sturgis or Three Rivers.

In Van Buren County, the court would no longer be required to sit in South Haven.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill could reduce costs to counties (which are the funding units for district courts of the first class) associated with maintaining space for court hearings in multiple cities. It appears that 30 cities at which first class district courts are currently required to sit by statute would be exempted under the bill. It has been reported, however, that district courts are currently sitting at only six of those thirty cities, despite the statutory requirement. Therefore, any cost savings would be limited to those six cities. Since it is impossible to predict whether district courts would choose to stop holding hearings in any of the six cities, the total amount of the savings is indeterminate. (4-2-03)

ARGUMENTS:

For:

The bill would eliminate a number of locations where first class district courts are currently required to sit. The current population threshold was adopted in the late 1960's and thus fails to acknowledge the population growth that has occurred since then in many counties with first class district courts. By no longer requiring courts in smaller counties to sit outside the county seat and refocusing the requirement on larger counties, where it makes sense to require courts to sit in larger cities throughout the counties, the bill would bring the RJA's requirements for first class district courts up to date.

In some cases, the courts do not sit, in fact, where they are required to sit, by statute. One could say that the bill would eliminate this "problem" of noncompliance, except that few would say that noncompliance constitutes a real problem in the first place. As noted above, the current threshold fails to acknowledge population growth since the 1960s. First class district courts around the state sit in county seats and in other locations where they are most utilized, and in some cases, judges have even opted to sit in locations where they are not required to sit because they know that this would be a sound use of county resources and would enhance resident access. In short, no one has really complained about a problem with access to first class district courts, and in these difficult economic times, it is increasingly important that counties and courts use their limited resources efficiently.

Response:

Perhaps the county, as the first class district's funding unit, should have some say over whether a court sits in locations outside the county seat. The RJA allows the funding units for second class and third class district courts to have some say in where the courts sit; specifically, a second class or third district court

is not required to sit in any given political subdivision where the governing body of that subdivision and the court agree that the court should not sit.

Reply:

Insofar as the current language for first class district courts was intended to strike a compromise between those who wanted to ensure convenient access to courts and those who wanted to ensure the most efficient use of county resources, giving counties too much say over where courts may or may not sit could tip the balance too much in favor of efficiency. If judges in a court believe that circumstances support sitting in a location where they are not required to sit, perhaps it is best to leave that decision to them.

POSITIONS:

The Michigan Association of Counties supports the bill. (4-1-03)

The Michigan Municipal League is neutral on the bill. (4-1-03)

Analyst: J. Caver

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.