

Legislative Analysis



DISTRICT COURT MAGISTRATE: ARRAIGNMENT

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 105

Sponsor: Sen. Valde Garcia

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 5-22-07

A SUMMARY OF SENATE BILL 105 AS PASSED BY THE SENATE 5-9-07

The bill would amend Chapter 85, entitled "Magistrates", of the Revised Judicature Act (MCL 600.8511 and 600.8513) to do the following:

- Allow a magistrate to arraign, when authorized by the chief judge of the district court, for a violation arising directly out of a case for which a judge or magistrate had conducted the arraignment and that involved the same defendant. This would apply only to cases for which a magistrate currently may conduct an arraignment. It also would apply only to violations punishable by imprisonment for not more than one year and/or a fine and would include, but not be limited to, a contempt violation or a violation of a condition of probation imposed in the original case. (A magistrate may arraign and sentence upon pleas of guilty or nolo contendere for violations of the Michigan Vehicle Code, Part 811 or 821 of the Natural Resources and Environmental Protection Act, and several other acts or parts of acts, and also for local ordinances substantially corresponding to those acts or parts of acts.)
- Allow a magistrate, when authorized by the chief judge of the district and whenever a district judge is not immediately available, to conduct *an* appearance rather than the *first* appearance of a defendant in a criminal or ordinance violation case. (The current restriction of accepting only guilty pleas or pleas of nolo contendere expressly authorized by Section 8511 or 8512a of the RJA would still apply.)

FISCAL IMPACT:

This bill would have no fiscal impact on the judiciary. The bill's new provisions that allow magistrates to conduct arraignments in a greater number of cases may help district courts to use court resources in a more efficient manner, but there would be no fiscal impact overall.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Viola Bay Wild

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