

HOUSE BILL No. 5760

February 19, 2008, Introduced by Rep. Jackson and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 504 (MCL 600.504), as amended by 2002 PA 715,
and by adding chapter 10B.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 504. (1) The third judicial circuit consists of the
2 county of Wayne and has the following number of judges:

3 (a) Until 12 noon, January 1 ~~, 2003~~ **OF THE FIRST ODD-NUMBERED**
4 **YEAR FOLLOWING THE DATE OF THE APPROVAL RESOLUTION REQUIRED UNDER**
5 **SECTION 1097, 64-61 judges.**

6 (b) Beginning 12 noon, January 1 ~~, 2003~~ **OF THE FIRST ODD-**
7 **NUMBERED YEAR FOLLOWING THE DATE OF THE APPROVAL RESOLUTION**
8 **REQUIRED UNDER SECTION 1097, 63-51 judges. ~~, however, if, after 12~~**

1 noon, January 1, 2003, a vacancy occurs in a judgeship held by an
2 incumbent judge of this circuit who would be ineligible to seek
3 reelection to that office in 2004, that judgeship is eliminated
4 unless the total number of judgeships in this circuit has been
5 reduced to 61 before that vacancy occurred.

6 (c) Beginning 12 noon, January 1, ~~2005~~ **OF THE THIRD ODD-**
7 **NUMBERED YEAR FOLLOWING THE DATE OF THE APPROVAL RESOLUTION**
8 **REQUIRED UNDER SECTION 1097, 61-41 judges.**

9 (D) **BEGINNING 12 NOON, JANUARY 1 OF THE FIFTH ODD-NUMBERED**
10 **YEAR FOLLOWING THE DATE OF THE APPROVAL RESOLUTION REQUIRED UNDER**
11 **SECTION 1097, 32 JUDGES.**

12 CHAPTER 10B

13 DETROIT RECORDER'S COURT

14 SEC. 1090. THE DETROIT RECORDER'S COURT IS CREATED AND IS A
15 COURT OF RECORD.

16 SEC. 1091. (1) THE DETROIT RECORDER'S COURT HAS 29 JUDGES, WHO
17 SHALL BE NOMINATED AND ELECTED AT NONPARTISAN ELECTIONS AND SHALL
18 RESIDE IN THE CITY OF DETROIT. EXCEPT AS PROVIDED IN SUBSECTION
19 (2), EACH JUDGE OF THE DETROIT RECORDER'S COURT SHALL HOLD OFFICE
20 FOR A TERM OF 6 YEARS AND UNTIL HIS OR HER SUCCESSOR IS ELECTED AND
21 QUALIFIED.

22 (2) OF THE 29 JUDGES INITIALLY ELECTED TO THE DETROIT
23 RECORDER'S COURT AT THE FIRST NOVEMBER GENERAL ELECTION AT WHICH
24 THOSE JUDGES ARE ELIGIBLE TO BE ELECTED FOR TERMS BEGINNING THE
25 FOLLOWING JANUARY 1 AND FOR THAT ELECTION ONLY, THE FOLLOWING
26 SPECIAL PROVISIONS APPLY:

27 (A) THE 9 CANDIDATES BEGINNING WITH THE CANDIDATE RECEIVING

1 THE HIGHEST NUMBER OF VOTES THROUGH THE CANDIDATE RECEIVING THE
2 NINTH HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO TERMS OF 10 YEARS
3 EACH.

4 (B) THE 9 CANDIDATES BEGINNING WITH THE CANDIDATE RECEIVING
5 THE TENTH HIGHEST NUMBER OF VOTES THROUGH THE CANDIDATE RECEIVING
6 THE NINETEENTH HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO TERMS OF
7 8 YEARS EACH.

8 (C) THE 9 CANDIDATES BEGINNING WITH THE CANDIDATE RECEIVING
9 THE TWENTIETH HIGHEST NUMBER OF VOTES THROUGH THE CANDIDATE
10 RECEIVING THE LOWEST NUMBER OF VOTES SHALL BE ELECTED TO TERMS OF 6
11 YEARS EACH.

12 SEC. 1092. (1) THE DETROIT RECORDER'S COURT HAS EXCLUSIVE
13 JURISDICTION OVER CRIMINAL VIOLATIONS OCCURRING IN THE CITY OF
14 DETROIT PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.

15 (2) EFFECTIVE JANUARY 1 OF THE YEAR IMMEDIATELY FOLLOWING THE
16 INITIAL ELECTION OF JUDGES TO DETROIT RECORDER'S COURT UNDER THIS
17 CHAPTER, ANY REFERENCE IN THE LAWS OF THIS STATE TO THE CIRCUIT
18 COURT THAT WOULD HAVE BEEN CONSTRUED TO REFER TO THE THIRD JUDICIAL
19 CIRCUIT OF THE CIRCUIT COURT SHALL BE CONSTRUED TO REFER TO THE
20 DETROIT RECORDER'S COURT IF THE REFERENCE INVOLVES A CRIMINAL
21 MATTER THAT IS WITHIN THE JURISDICTION OF THE DETROIT RECORDER'S
22 COURT UNDER SUBSECTION (1).

23 SEC. 1093. EFFECTIVE JANUARY 1 OF THE YEAR IMMEDIATELY
24 FOLLOWING THE INITIAL ELECTION OF JUDGES TO DETROIT RECORDER'S
25 COURT UNDER THIS CHAPTER, ALL FILES, RECORDS, AND PENDING CASES OF
26 THE THIRD JUDICIAL CIRCUIT OF THE CIRCUIT COURT THAT ARE WITHIN THE
27 JURISDICTION OF THE DETROIT RECORDER'S COURT UNDER SECTION 1092

1 SHALL BE TRANSFERRED TO THE DETROIT RECORDER'S COURT IN ACCORDANCE
2 WITH RULES PRESCRIBED BY THE SUPREME COURT, AND THE DETROIT
3 RECORDER'S COURT SHALL EXERCISE ALL POWERS IN REGARD TO THOSE
4 FILES, RECORDS, AND CASES AS PROVIDED BY RULES OF THE SUPREME
5 COURT. THE DETROIT RECORDER'S COURT SHALL HAVE JURISDICTION TO HEAR
6 AND DETERMINE ALL CASES TRANSFERRED UNDER THIS SECTION AND SHALL
7 EXERCISE ALL AUTHORITY WITH REGARD TO THOSE CASES AS THOUGH THE
8 CASES HAD BEEN COMMENCED IN THAT COURT. ALL ORDERS AND JUDGMENTS OF
9 THE DETROIT RECORDER'S COURT SHALL BE APPEALABLE IN LIKE MANNER AND
10 TO THE SAME COURTS AS APPLICABLE BEFORE THAT DATE.

11 SEC. 1094. EXCEPT AS OTHERWISE PROVIDED BY LAW, THE CHIEF
12 JUDGE OF THE DETROIT RECORDER'S COURT SHALL APPOINT, SUPERVISE,
13 DISCIPLINE, OR DISMISS THE EMPLOYEES OF THAT COURT IN ACCORDANCE
14 WITH APPLICABLE PERSONNEL POLICIES AND PROCEDURES AND ANY
15 APPLICABLE COLLECTIVE BARGAINING AGREEMENT. THOSE EMPLOYEES SHALL
16 BE EMPLOYEES OF THE CITY OF DETROIT, AND COMPENSATION OF THE
17 EMPLOYEES SERVING IN THE DETROIT RECORDER'S COURT SHALL BE PAID BY
18 THE CITY OF DETROIT.

19 SEC. 1095. (1) SUBJECT TO SUBSECTION (3), EACH JUDGE OF THE
20 DETROIT RECORDER'S COURT SHALL RECEIVE AN ANNUAL SALARY PAYABLE BY
21 THE STATE AS PROVIDED IN THIS SECTION AND MAY RECEIVE FROM THE CITY
22 OF DETROIT AN ADDITIONAL SALARY AS DETERMINED FROM TIME TO TIME BY
23 THE CITY COUNCIL OF THE CITY OF DETROIT. IF AN ADDITIONAL SALARY IS
24 GRANTED, IT SHALL BE PAID AT THE SAME RATE TO ALL DETROIT
25 RECORDER'S COURT JUDGES.

26 (2) EACH CIRCUIT JUDGE SHALL RECEIVE AN ANNUAL SALARY
27 DETERMINED AS FOLLOWS:

1 (A) AN ANNUAL SALARY PAYABLE BY THE STATE THAT IS THE
2 DIFFERENCE BETWEEN 85% OF THE SALARY OF A JUSTICE OF THE SUPREME
3 COURT AND \$45,724.00.

4 (B) AN ADDITIONAL SALARY PAYABLE BY THE CITY OF DETROIT. THE
5 STATE SHALL REIMBURSE TO THE CITY OF DETROIT \$45,724.00, IF THE
6 TOTAL ADDITIONAL SALARY, INCLUDING ANY COST-OF-LIVING ALLOWANCE,
7 PAYABLE BY THE CITY TO A JUDGE IS NOT LESS THAN OR MORE THAN
8 \$45,724.00. IF THE CITY PAYS A CIRCUIT JUDGE LESS THAN OR MORE THAN
9 \$45,724.00, THE CITY IS NOT ENTITLED TO REIMBURSEMENT FROM THE
10 STATE UNDER THIS SUBSECTION.

11 (3) AN INCREASE IN THE AMOUNT OF SALARY PAYABLE TO A JUDGE
12 UNDER THIS SECTION CAUSED BY AN INCREASE IN THE SALARY PAYABLE TO A
13 JUSTICE OF THE SUPREME COURT RESULTING FROM THE OPERATION OF 1968
14 PA 357, MCL 15.211 TO 15.218, SHALL NOT BE EFFECTIVE UNTIL FEBRUARY
15 1 OF THE YEAR IN WHICH THE INCREASE IN THE SALARY OF A JUSTICE OF
16 THE SUPREME COURT BECOMES EFFECTIVE. IF AN INCREASE IN SALARY
17 BECOMES EFFECTIVE ON FEBRUARY 1 OF A YEAR IN WHICH AN INCREASE IN
18 THE SALARY OF A JUSTICE OF THE SUPREME COURT BECOMES EFFECTIVE, THE
19 INCREASE SHALL BE RETROACTIVE TO JANUARY 1 OF THAT YEAR.

20 SEC. 1096. THE JUDGES OF THE DETROIT RECORDER'S COURT SHALL
21 NOT PRACTICE AS ATTORNEYS OR COUNSELORS IN ANY COURT OF THE STATE
22 AND SHALL NOT ENGAGE IN THE PRACTICE OF LAW FOR COMPENSATION. A
23 JUDGE OF THE DETROIT RECORDER'S COURT MAY NOT HAVE ANY LAW PARTNER
24 PRACTICING IN THAT COURT.

25 SEC. 1097. (1) THIS CHAPTER DOES NOT TAKE EFFECT UNLESS THE
26 CITY OF DETROIT, BY RESOLUTION OF THE GOVERNING BODY OF THE CITY,
27 AGREES TO ASSUME RESPONSIBILITY FOR ANY EXPENSES REQUIRED OF THE

1 CITY BY THIS CHAPTER.

2 (2) IF THE CITY OF DETROIT, ACTING THROUGH ITS GOVERNING BODY,
3 AGREES TO ASSUME RESPONSIBILITY FOR ANY EXPENSES REQUIRED OF THE
4 CITY BY THIS CHAPTER, THAT ACTION CONSTITUTES AN EXERCISE OF THE
5 CITY'S OPTION TO PROVIDE A NEW ACTIVITY OR SERVICE OR TO INCREASE
6 THE LEVEL OF ACTIVITY OR SERVICE OFFERED IN THE CITY OF DETROIT
7 BEYOND THAT REQUIRED BY EXISTING LAW, AS THE ELEMENTS OF THAT
8 OPTION ARE DEFINED BY 1979 PA 101, MCL 21.231 TO 21.244, AND A
9 VOLUNTARY ACCEPTANCE BY THE CITY OF ALL EXPENSES AND CAPITAL
10 IMPROVEMENTS WHICH MAY RESULT FROM ESTABLISHMENT OF THE RECORDER'S
11 COURT FOR THE CITY OF DETROIT. HOWEVER, THE EXERCISE OF THE OPTION
12 DOES NOT AFFECT THE STATE'S OBLIGATION TO PAY THE PORTION OF EACH
13 JUDGE'S SALARY PAID BY THE STATE OR TO APPROPRIATE AND DISBURSE
14 FUNDS TO THE CITY OF DETROIT FOR THE NECESSARY COSTS OF STATE
15 REQUIREMENTS ESTABLISHED BY A STATE LAW.