

SENATE BILL No. 105

January 30, 2007, Introduced by Senator GARCIA and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 8511 and 8513 (MCL 600.8511 and 600.8513),
section 8511 as amended by 1999 PA 75 and section 8513 as added by
1984 PA 278.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8511. A district court magistrate ~~shall have~~ **HAS** the
2 following jurisdiction and duties:

3 (a) To arraign and sentence upon pleas of guilty or nolo
4 contendere for violations of the following acts or parts of acts,
5 or a local ordinance substantially corresponding to these acts or
6 parts of acts, when authorized by the chief judge of the district
7 court and if the maximum permissible punishment does not exceed 90
8 days in jail or a fine, or both:

1 (i) Part 487 of the natural resources and environmental
2 protection act, 1994 PA 451, MCL 324.48701 to 324.48740.

3 (ii) Part 401 of the natural resources and environmental
4 protection act, 1994 PA 451, MCL 324.40101 to 324.40119.

5 (iii) Part 801 of the natural resources and environmental
6 protection act, 1994 PA 451, MCL 324.80101 to 324.80199.

7 (iv) The motor carrier act, 1933 PA 254, MCL 475.1 to 479.43.

8 (v) Motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
9 to ~~480.22~~ **480.25**.

10 (vi) Dog law of 1919, 1919 PA 339, MCL 287.261 to 287.290.

11 (vii) Section 703 or 915 of the Michigan liquor control code of
12 1998, 1998 PA 58, MCL 436.1703 and 436.1915.

13 (viii) Part 5 of the natural resources and environmental
14 protection act, 1994 PA 451, MCL 324.501 to 324.511.

15 (ix) Part 89 of the natural resources and environmental
16 protection act, 1994 PA 451, MCL 324.8901 to 324.8907.

17 (x) Part 435 of the natural resources and environmental
18 protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

19 (xi) Part 731 of the natural resources and environmental
20 protection act, 1994 PA 451, MCL 324.73101 to 324.73111.

21 (xii) Chapter LXXXV of the Michigan penal code, 1931 PA 328,
22 MCL 750.546 to ~~750.552b~~ **750.552**.

23 (b) To arraign and sentence upon pleas of guilty or nolo
24 contendere for violations of the Michigan vehicle code, 1949 PA
25 300, MCL 257.1 to 257.923, or a local ordinance substantially
26 corresponding to a provision of the Michigan vehicle code, 1949 PA
27 300, MCL 257.1 to 257.923, except for violations of sections 625

1 and 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and
2 257.625m, or a local ordinance substantially corresponding to
3 section 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL
4 257.625 and 257.625m, when authorized by the chief judge of the
5 district court and if the maximum permissible punishment does not
6 exceed 93 days in jail or a fine, or both. However, the magistrate
7 may have the jurisdiction to arraign defendants and set bond with
8 regard to violations of sections 625 and 625m of the Michigan
9 vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local
10 ordinance substantially corresponding to section 625 or 625m of the
11 Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m.

12 (c) To arraign and sentence upon pleas of guilty or nolo
13 contendere for violations of part 811 or 821 of the natural
14 resources and environmental protection act, 1994 PA 451, MCL
15 324.81101 to 324.81150 and 324.82101 to 324.82160, or a local
16 ordinance substantially corresponding to a provision of part 811 or
17 821 of the natural resources and environmental protection act, 1994
18 PA 451, MCL 324.81101 to 324.81150 and 324.82101 to 324.82160,
19 except for violations of sections 81134, 81135, 82128, and 82129 of
20 the natural resources and environmental protection act, 1994 PA
21 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129, or a local
22 ordinance substantially corresponding to sections 81134, 81135,
23 82128, and 82129 of the natural resources and environmental
24 protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128,
25 and 324.82129, when authorized by the chief judge of the district
26 court and if the maximum permissible punishment does not exceed 93
27 days in jail or a fine, or both. However, the magistrate may have

1 the jurisdiction to arraign defendants and set bond with regard to
2 violations of sections 81134, 81135, 82128, and 82129 of the
3 natural resources and environmental protection act, 1994 PA 451,
4 MCL 324.81134, 324.81135, 324.82128, and 324.82129.

5 (D) TO ARRAIGN, WHEN AUTHORIZED BY THE CHIEF JUDGE OF THE
6 DISTRICT COURT, FOR A VIOLATION ARISING DIRECTLY OUT OF A CASE FOR
7 WHICH A JUDGE OR MAGISTRATE CONDUCTED THE ARRAIGNMENT UNDER
8 SUBDIVISION (A), (B), OR (C), INVOLVING THE SAME DEFENDANT. THIS
9 SUBDIVISION APPLIES ONLY TO VIOLATIONS PUNISHABLE BY IMPRISONMENT
10 FOR NOT MORE THAN 1 YEAR OR A FINE, OR BOTH, INCLUDING, BUT NOT
11 LIMITED TO, A CONTEMPT VIOLATION OR A VIOLATION OF A CONDITION OF
12 PROBATION IMPOSED IN THE ORIGINAL CASE.

13 (E) ~~(d)~~—To issue warrants for the arrest of a person upon the
14 written authorization of the prosecuting or municipal attorney,
15 except written authorization shall not be required for a vehicle
16 law or ordinance violation within the jurisdiction of the
17 magistrate if a police officer issued a traffic citation pursuant
18 to section 728 of the Michigan vehicle code, 1949 PA 300, MCL
19 257.728, and the defendant failed to appear.

20 (F) ~~(e)~~—To fix bail and accept bond in all cases.

21 (G) ~~(f)~~—To issue search warrants, when authorized to do so by
22 a district court judge.

23 Sec. 8513. (1) When authorized by the chief judge of the
24 district and whenever a district judge is not immediately
25 available, a district court magistrate may conduct ~~the first~~ **AN**
26 appearance of a defendant before the court in all criminal and
27 ordinance violation cases, including acceptance of any written

1 demand or waiver of preliminary examination and acceptance of any
2 written demand or waiver of jury trial. ~~but~~ **HOWEVER**, this section
3 ~~shall~~ **DOES** not authorize ~~any~~ **A** district court magistrate to accept
4 a plea of guilty or nolo contendere not expressly authorized
5 pursuant to section 8511 or 8512a. A defendant neither demanding
6 nor waiving preliminary examination in writing ~~shall be~~ **IS** deemed
7 to have demanded preliminary examination and a defendant neither
8 demanding nor waiving jury trial in writing ~~shall be~~ **IS** considered
9 to have demanded a jury trial.

10 (2) If authorized by the chief judge of the district, a
11 district court magistrate may **DO ANY OF THE FOLLOWING**:

12 (a) Approve and grant petitions for the appointment of an
13 attorney to represent an indigent defendant accused of any
14 misdemeanor punishable by imprisonment for not more than 1 year or
15 ordinance violation punishable by imprisonment.

16 (b) Suspend payment of court fees by an indigent party in any
17 civil, small claims, or summary proceedings action, until after
18 judgment has been entered.

19 (c) Upon written authorization of the prosecuting or city
20 attorney, sign a nolle prosequi, dismissing any criminal or
21 ordinance violation case over which the district court has
22 jurisdiction and release any bail bond or bail bond deposit to the
23 persons entitled ~~thereto~~ **TO THE BAIL BOND OR DEPOSIT**. However, if
24 the preliminary examination or trial has commenced or a plea of
25 guilty or nolo contendere has been accepted by a district court
26 judge, the dismissal order may be entered only by that judge or his
27 or her alternate.

1 (d) Execute and issue process to carry into effect authority
2 expressly granted by law to district court magistrates.

3 (3) A district court magistrate, for acts done within his or
4 her jurisdiction as provided by law, ~~shall have~~**HAS** judicial
5 immunity to the extent accorded a district court judge.