

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 849

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 301 and 302 (MCL 600.301 and 600.302), section
301 as amended by 1993 PA 190 and section 302 as amended by 2001 PA
117, and by adding section 303a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 301. ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**
2 **THE** court of appeals consists of 28 judges and is a court of
3 record. **BEGINNING ON THE DATE AS DETERMINED UNDER SECTION 303A, THE**
4 **COURT OF APPEALS CONSISTS OF 24 JUDGES.**

5 Sec. 302. (1) The state is divided into 4 judicial districts
6 for the election of judges of the court of appeals. ~~Each~~ **EXCEPT AS**
7 **OTHERWISE PROVIDED IN THIS SECTION, EACH** district is entitled to 7

1 judges. ~~The~~ **BEGINNING ON THE DATE AS DETERMINED UNDER SECTION 303A,**
2 **EACH DISTRICT IS ENTITLED TO 6 JUDGES. EXCEPT AS OTHERWISE PROVIDED**
3 **IN SUBSECTION (2), THE** districts are constituted and numbered as
4 follows:

5 (a) District 1 consists of the counties of Calhoun, Hillsdale,
6 Lenawee, Monroe, and Wayne.

7 (b) District 2 consists of the counties of Genesee, Macomb,
8 Oakland, and Shiawassee.

9 (c) District 3 consists of the counties of Allegan, Barry,
10 Berrien, Branch, Cass, Eaton, Ionia, Jackson, Kalamazoo, Kent,
11 Muskegon, Newaygo, Ottawa, St. Joseph, Van Buren, and Washtenaw.

12 (d) District 4 consists of the counties of Alcona, Alger,
13 Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan,
14 Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet,
15 Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham,
16 Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau,
17 Livingston, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta,
18 Menominee, Midland, Missaukee, Montcalm, Montmorency, Oceana,
19 Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle,
20 Roscommon, Saginaw, Sanilac, Schoolcraft, St. Clair, Tuscola, and
21 Wexford.

22 (2) **BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
23 **ADDED THIS SUBSECTION, THE DISTRICTS ARE CONSTITUTED AND NUMBERED**
24 **AS FOLLOWS:**

25 (A) **DISTRICT 1 CONSISTS OF THE COUNTIES OF BRANCH, HILLSDALE,**
26 **KALAMAZOO, LENAWEЕ, MONROE, ST. JOSEPH, AND WAYNE.**

27 (B) **DISTRICT 2 CONSISTS OF THE COUNTIES OF GENESEE, MACOMB,**

1 AND OAKLAND.

2 (C) DISTRICT 3 CONSISTS OF THE COUNTIES OF ALLEGAN, BARRY,
3 BERRIEN, CALHOUN, CASS, EATON, IONIA, JACKSON, KENT, MASON,
4 MONTCALM, MUSKEGON, NEWAYGO, OCEANA, OTTAWA, VAN BUREN, AND
5 WASHTENAW.

6 (D) DISTRICT 4 CONSISTS OF THE COUNTIES OF ALCONA, ALGER,
7 ALPENA, ANTRIM, ARENAC, BARAGA, BAY, BENZIE, CHARLEVOIX, CHEBOYGAN,
8 CHIPPEWA, CLARE, CLINTON, CRAWFORD, DELTA, DICKINSON, EMMET,
9 GLADWIN, GOGEBIC, GRAND TRAVERSE, GRATIOT, HOUGHTON, HURON, INGHAM,
10 IOSCO, IRON, ISABELLA, KALKASKA, KEWEENAW, LAKE, LAPEER, LEELANAU,
11 LIVINGSTON, LUCE, MACKINAC, MANISTEE, MARQUETTE, MECOSTA,
12 MENOMINEE, MIDLAND, MISSAUKEE, MONTMORENCY, OGEMAW, ONTONAGON,
13 OSCEOLA, OSCODA, OTSEGO, PRESQUE ISLE, ROSCOMMON, SAGINAW, SANILAC,
14 SCHOOLCRAFT, SHIAWASSEE, ST. CLAIR, TUSCOLA, AND WEXFORD.

15 SEC. 303A. TO EFFECTUATE THE TRANSITION TO 6 JUDGES IN EACH
16 DISTRICT, EACH DISTRICT IS ENTITLED TO 6 JUDGES AS FOLLOWS:

17 (A) IF THERE ARE NOT MORE THAN 6 INCUMBENT COURT OF APPEALS
18 JUDGES IN A DISTRICT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
19 THAT ADDED THIS SECTION, THE NUMBER OF JUDGESHIPS IN THAT DISTRICT
20 SHALL REMAIN AT 6.

21 (B) IF THERE ARE MORE THAN 6 COURT OF APPEALS JUDGESHIPS IN A
22 DISTRICT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
23 THIS SECTION AND 1 OF THOSE JUDGESHIPS IS VACANT, THAT JUDGESHIP IS
24 ELIMINATED. IF MORE THAN 1 OF THE JUDGESHIPS IN THAT DISTRICT IS
25 VACANT, ONLY THE VACANT JUDGESHIP WITH THE SHORTEST REMAINING TERM
26 IS ELIMINATED. IF THE ELIMINATION OF A JUDGESHIP RESULTS IN 6
27 INCUMBENT COURT OF APPEALS JUDGES IN THAT DISTRICT, THE NUMBER OF

1 JUDGESHIP IN THAT DISTRICT SHALL REMAIN AT 6.

2 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, IF THERE
3 ARE MORE THAN 6 COURT OF APPEALS JUDGESHIP IN A DISTRICT ON THE
4 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND
5 THERE ARE NO JUDGESHIP TO BE ELIMINATED UNDER SUBDIVISION (B), 1
6 JUDGESHIP SHALL BE ELIMINATED FROM THE DISTRICT AT THE END OF THE
7 TERM FOR WHICH AN INCUMBENT JUDGE OF THE COURT OF APPEALS DOES NOT
8 SEEK ELECTION OR REELECTION TO THAT OFFICE UNTIL THERE ARE 6
9 INCUMBENT JUDGES IN THAT DISTRICT. THEREAFTER, THE NUMBER OF
10 JUDGESHIP IN THE DISTRICT SHALL REMAIN AT 6. HOWEVER, A JUDGESHIP
11 HELD BY AN INCUMBENT JUDGE WHO IS SERVING BY APPOINTMENT OF THE
12 GOVERNOR SHALL NOT BE ELIMINATED UNDER THIS SUBDIVISION UNLESS THE
13 JUDGE DOES NOT SEEK ELECTION AT THE FIRST GENERAL ELECTION HELD
14 AFTER THE VACANCY TO WHICH HE OR SHE WAS APPOINTED OCCURRED, AS
15 PROVIDED IN SECTION 23 OF ARTICLE VI OF THE STATE CONSTITUTION OF
16 1963, OR DOES NOT SEEK REELECTION AT THE END OF A SUBSEQUENT TERM.

17 Enacting section 1. This amendatory act takes effect March 25,
18 2012.