

# HOUSE BILL No. 5093

October 18, 2011, Introduced by Rep. Segal and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
 "Revised judicature act of 1961,"  
 by amending sections 803 and 8116 (MCL 600.803 and 600.8116),  
 section 803 as amended by 2002 PA 715.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 803. (1) Except as otherwise provided in this section,  
 2 each county ~~which~~**THAT** is not part of a probate court district  
 3 created ~~pursuant to~~**UNDER** sections 808 to 810 or previously created  
 4 ~~pursuant to~~**BY** law ~~shall have at least~~**HAS** 1 judge of probate.

5           (2) Each probate court district created ~~pursuant to~~**BY** law  
 6 ~~shall have~~**HAS** 1 judge of probate.

7           (3) The counties of Berrien, Calhoun, **GENESEE**, Ingham, **MACOMB**,  
 8 Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw ~~shall~~ each have  
 9 2 judges of probate.

1 ~~—— (4) Until 12 noon, January 1, 2005, the county of Genesee~~  
 2 ~~shall have 3 judges of probate; however, if, after 12 noon, January~~  
 3 ~~1, 2003, a vacancy occurs in the judgeship held by the incumbent~~  
 4 ~~probate judge in Genesee county whose term of office expires~~  
 5 ~~January 1, 2005 and who would be ineligible to seek reelection to~~  
 6 ~~that office in 2004, that probate judgeship is eliminated effective~~  
 7 ~~12 noon, January 1, 2005. Beginning 12 noon, January 1, 2005, the~~  
 8 ~~county of Genesee shall have 2 judges of probate.~~

9 ~~—— (5) Until 12 noon, January 1, 2005, the county of Macomb shall~~  
 10 ~~have 3 judges of probate; however, if the incumbent probate judge~~  
 11 ~~in Macomb county whose term of office as probate judge expires on~~  
 12 ~~January 1, 2005 is elected in 2002 to the office of circuit judge~~  
 13 ~~in the sixteenth judicial circuit for a term beginning January 1,~~  
 14 ~~2003, that probate judgeship is eliminated effective 12 noon,~~  
 15 ~~January 1, 2005. Beginning 12 noon, January 1, 2005, the county of~~  
 16 ~~Macomb shall have 2 judges of probate.~~

17 (4) ~~(6)~~—The county of Kalamazoo shall have ~~HAS~~ 3 judges of  
 18 probate. **BEGINNING ON THE DATE ON WHICH A VACANCY OCCURS IN THE**  
 19 **OFFICE OF PROBATE JUDGE IN THE COUNTY OF KALAMAZOO OR THE BEGINNING**  
 20 **DATE OF THE TERM FOR WHICH AN INCUMBENT PROBATE JUDGE IN THE COUNTY**  
 21 **OF KALAMAZOO NO LONGER SEEKS ELECTION OR REELECTION TO THAT OFFICE,**  
 22 **WHICHEVER IS EARLIER, THE COUNTY OF KALAMAZOO HAS 2 JUDGES OF**  
 23 **PROBATE.**

24 (5) ~~(7)~~—The county of Kent shall have ~~HAS~~ 4 judges of probate.

25 (6) ~~(8)~~—The county of Oakland shall have ~~HAS~~ 4 judges of  
 26 probate.

27 (7) ~~(9)~~—The county of Wayne shall have the following number of

1 ~~judges of probate.~~

2 ~~—— (a) Until subdivision (b) takes effect, the county of Wayne~~  
 3 ~~shall have 9 judges of probate.~~

4 ~~—— (b) The county of Wayne shall have **HAS** 8 judges of probate.~~  
 5 ~~beginning on the earliest of the following dates.~~

6 ~~—— (i) Upon the occurrence of a vacancy in a judgeship held by an~~  
 7 ~~incumbent probate judge in Wayne county whose term expires on~~  
 8 ~~January 1, 2005, and who would be ineligible to seek reelection to~~  
 9 ~~that office in 2004.~~

10 ~~—— (ii) Upon the expiration of the term of an incumbent probate~~  
 11 ~~judge who is not eligible to seek reelection to that office.~~

12 (8) ~~(10)~~ When 1 or more new judges of probate are authorized  
 13 in a county pursuant to **UNDER** this section, the new judgeship or  
 14 judgeships shall appear on the ballot separate and apart from other  
 15 judicial offices of the same court in the primary and general  
 16 election.

17 Sec. 8116. ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), THE**  
 18 seventh district consists of the county of Van Buren, is a district  
 19 of the first class and has 2 judges.

20 (2) **BEGINNING ON THE EARLIER OF THE FOLLOWING DATES, THE**  
 21 **SEVENTH DISTRICT HAS 1 JUDGE:**

22 (A) **THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF**  
 23 **DISTRICT JUDGE IN THE SEVENTH DISTRICT.**

24 (B) **THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT**  
 25 **DISTRICT JUDGE IN THE SEVENTH DISTRICT NO LONGER SEEKS ELECTION OR**  
 26 **REELECTION TO THAT OFFICE.**