

HOUSE BILL No. 5191

December 1, 2011, Introduced by Rep. LeBlanc and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judiciary act of 1961,"
by amending section 8507 (MCL 600.8507), as amended by 2005 PA 326.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8507. (1) Magistrates shall be registered electors in the
2 county in which they are appointed. **BEGINNING JANUARY 1, 2013, A**
3 **PERSON MUST BE ADMITTED TO THE PRACTICE OF LAW IN THIS STATE IN**
4 **ORDER TO BE APPOINTED AS A MAGISTRATE AND MUST MAINTAIN THAT STATUS**
5 **TO REMAIN SERVING AS A MAGISTRATE.** All magistrates appointed shall
6 serve at the pleasure of the judges of the district court. Before
7 assuming office, persons appointed magistrates shall take the
8 constitutional oath of office and file a bond with the treasurer of
9 a district funding unit of that district in an amount determined by
10 the state court administrator. The bond shall also apply to

1 temporary service in another county under subsection (2), (3), or
2 (4), or ~~pursuant to~~ **WITHIN** a multiple district plan under
3 subsection (5).

4 (2) In a district of the first class that consists of more
5 than 1 county, if a magistrate is temporarily absent or
6 incapacitated, the chief or only district judge may direct a
7 magistrate of another county of the same district to serve
8 temporarily in the county where the magistrate is temporarily
9 absent or incapacitated. The district judge shall make his or her
10 order in writing. A magistrate serving temporarily under this
11 subsection is not entitled to additional compensation but shall be
12 reimbursed for actual and necessary expenses incurred during the
13 authorized temporary service upon certification and approval by the
14 state court administrator. Upon allowance, the reimbursement shall
15 be paid by the state treasurer out of the appropriation for the
16 state court administrative office.

17 (3) In a district of the first class that consists of more
18 than 1 county, the chief or only district judge may authorize a
19 magistrate appointed in 1 county to serve in another county in the
20 district.

21 (4) ~~Pursuant to~~ **UNDER** a multiple district plan **CREATED** under
22 section 8320 involving adjoining districts of the first class, a
23 district court magistrate appointed in a county of 1 district may
24 be authorized to serve in a county of the adjoining district. While
25 serving in the adjoining district, the magistrate ~~shall be~~ **IS**
26 subject to the superintending control of the chief or only district
27 judge of that district.

1 (5) ~~Pursuant to~~ **UNDER** a multiple district plan **CREATED** under
2 section 8320 involving districts in the same county, a district
3 court magistrate may be authorized to serve in any participating
4 district of the county.