

HOUSE BILL No. 5123

October 31, 2013, Introduced by Reps. Cotter and Walsh and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 518, 8115, and 8121 (MCL 600.518, 600.8115, and 600.8121), section 518 as amended by 2006 PA 99 and section 8121 as amended by 2012 PA 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 518. The seventeenth judicial circuit consists of the
2 county of Kent and has ~~9~~10 judges. Subject to section 550, this
3 judicial circuit may have 1 additional judge ~~effective~~**BEGINNING**
4 January 1, ~~2007~~**2015**.

5 Sec. 8115. (1) ~~The~~**EXCEPT AS PROVIDED IN SUBSECTION (2), THE**
6 fifth district consists of the county of Berrien, is a district of
7 the first class, and has 5 judges.

1 (2) BEGINNING ON THE EARLIER OF THE FOLLOWING DATES, THE FIFTH
2 DISTRICT HAS 4 JUDGES:

3 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
4 DISTRICT JUDGE IN THE FIFTH DISTRICT, UNLESS THE VACANCY OCCURS
5 AFTER A JUDGE'S SUCCESSOR IN OFFICE HAS BEEN ELECTED BUT BEFORE
6 THAT SUCCESSOR TAKES OFFICE.

7 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
8 DISTRICT JUDGE IN THE FIFTH DISTRICT NO LONGER SEEKS ELECTION OR
9 REELECTION TO THAT OFFICE.

10 Sec. 8121. (1) The sixteenth district consists of the city of
11 Livonia, is a district of the third class, and has 2 judges.

12 (2) The seventeenth district consists of the township of
13 Redford in the county of Wayne, is a district of the third class,
14 and has 2 judges.

15 (3) The eighteenth district consists of the city of Westland,
16 is a district of the third class, and has 2 judges.

17 (4) The nineteenth district consists of the city of Dearborn,
18 is a district of the third class, and has 3 judges.

19 (5) The twentieth district consists of the city of Dearborn
20 Heights, is a district of the third class, and has 2 judges.

21 (6) The twenty-first district consists of the city of Garden
22 City, is a district of the third class, and has 1 judge.

23 (7) The twenty-second district consists of the city of
24 Inkster, is a district of the third class, and has 1 judge.

25 (8) The twenty-third district consists of the city of Taylor,
26 is a district of the third class, and has 2 judges.

27 (9) The twenty-fourth district consists of the cities of Allen

1 Park and Melvindale, is a district of the third class, and has 2
2 judges.

3 (10) The twenty-fifth district consists of the ~~city of Lincoln~~
4 ~~Park, is a district of the third class, and has 2 judges. Beginning~~
5 ~~April 1, 2012, the twenty fifth district consists of the cities of~~
6 ~~Ecorse, Lincoln Park, and River Rouge, is a district of the third~~
7 ~~class, and has 3 judges. The additional judgeship in the twenty-~~
8 ~~fifth district shall be filled by the incumbent judge of the~~
9 ~~twenty sixth district, who shall become a judge of the twenty fifth~~
10 ~~district for the balance of the term to which he or she was elected~~
11 ~~or appointed. Sections 8175 and 8176 do not apply to the~~
12 ~~consolidation of the twenty fifth and twenty sixth districts.~~
13 ~~Beginning April 2, 2012, the twenty fifth district has 2 judges.~~

14 ~~—— (11) The twenty sixth district consists of the cities of River~~
15 ~~Rouge and Ecorse, is a district of the third class, and has 1~~
16 ~~judge. Beginning on April 1, 2012, the twenty sixth district is~~
17 ~~abolished and the judge of the twenty sixth district shall become a~~
18 ~~judge of the twenty fifth district for the balance of the term to~~
19 ~~which he or she was elected or appointed.~~

20 (11) ~~(12)~~ The twenty-seventh district consists of the cities
21 of Wyandotte and Riverview, is a district of the third class, and
22 has 1 judge.

23 (12) ~~(13)~~ ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,**
24 **THE** twenty-eighth district consists of the city of Southgate, is a
25 district of the third class, and has 1 judge. **IF THE GOVERNING**
26 **BODIES OF THE CITIES OF SOUTHGATE, TRENTON, GIBRALTAR, WOODHAVEN,**
27 **ROCKWOOD, AND FLAT ROCK AND THE TOWNSHIPS OF BROWNSTOWN AND GROSSE**

1 ILE IN THE COUNTY OF WAYNE APPROVE BY RESOLUTIONS THE CONSOLIDATION
2 OF THE TWENTY-EIGHTH AND THIRTY-THIRD DISTRICTS PRIOR TO JANUARY 1,
3 2016, ALL OF THE FOLLOWING APPLY BEGINNING JANUARY 1, 2016:

4 (A) THE THIRTY-THIRD DISTRICT IS ABOLISHED AND THE TWENTY-
5 EIGHTH DISTRICT CONSISTS OF THE CITIES OF SOUTHGATE, TRENTON,
6 GIBRALTAR, WOODHAVEN, ROCKWOOD, AND FLAT ROCK AND THE TOWNSHIPS OF
7 BROWNSTOWN AND GROSSE ILE, IS A DISTRICT OF THE THIRD CLASS, AND
8 HAS 4 JUDGES. THE ADDITIONAL JUDGESHIPS IN THE TWENTY-EIGHTH
9 DISTRICT SHALL BE FILLED BY THE INCUMBENT JUDGES OF THE THIRTY-
10 THIRD DISTRICT, WHO SHALL BECOME JUDGES OF THE TWENTY-EIGHTH
11 DISTRICT FOR THE BALANCE OF THE TERM TO WHICH THEY WERE ELECTED OR
12 APPOINTED. BEGINNING ON THE EARLIER OF THE FOLLOWING DATES, THE
13 TWENTY-EIGHTH DISTRICT SHALL HAVE 3 JUDGES:

14 (i) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
15 DISTRICT JUDGE IN THE TWENTY-EIGHTH DISTRICT, UNLESS THE VACANCY
16 OCCURS AFTER A JUDGE'S SUCCESSOR IN OFFICE HAS BEEN ELECTED BUT
17 BEFORE THAT SUCCESSOR TAKES OFFICE.

18 (ii) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
19 DISTRICT JUDGE IN THE TWENTY-EIGHTH DISTRICT NO LONGER SEEKS
20 ELECTION OR REELECTION TO THAT OFFICE.

21 (B) THE CLERKS OF THE CITIES OF SOUTHGATE, TRENTON, GIBRALTAR,
22 WOODHAVEN, ROCKWOOD, AND FLAT ROCK, THE CLERK OF THE TOWNSHIP OF
23 REDFORD, AND THE CLERKS OF THE TOWNSHIPS OF BROWNSTOWN AND GROSSE
24 ILE SHALL FILE COPIES OF THE RESOLUTIONS WITH THE STATE COURT
25 ADMINISTRATOR, WHO, AS AUTHORIZED BY THE SUPREME COURT, SHALL
26 NOTIFY THE ELECTIONS DIVISION OF THE DEPARTMENT OF STATE THAT THE
27 CONSOLIDATION HAS BEEN APPROVED UNDER THIS SECTION.

1 (C) BY PROPOSING OR AUTHORIZING THE CONSOLIDATION OF THE
2 TWENTY-EIGHTH AND THIRTY-THIRD DISTRICTS, THE LEGISLATURE IS NOT
3 CREATING A NEW OBLIGATION FOR ANY AFFECTED DISTRICT CONTROL UNIT.
4 IF A DISTRICT CONTROL UNIT, ACTING THROUGH ITS GOVERNING BODY,
5 APPROVES THE CONSOLIDATION, THEN THE APPROVAL CONSTITUTES AN
6 EXERCISE OF THE DISTRICT CONTROL UNIT'S OPTION TO INCREASE THE
7 LEVEL OF ACTIVITY AND SERVICE OFFERED IN THAT DISTRICT CONTROL UNIT
8 BEYOND THAT REQUIRED BY EXISTING LAW, AS THE ELEMENTS OF THAT
9 OPTION ARE PROVIDED BY 1979 PA 101, MCL 21.231 TO 21.244, AND A
10 VOLUNTARY ACCEPTANCE BY THAT DISTRICT CONTROL UNIT OF ALL EXPENSES
11 AND CAPITAL IMPROVEMENTS THAT MAY RESULT FROM THE CONSOLIDATION OF
12 THE DISTRICTS. HOWEVER, THE EXERCISE OF THE OPTION DOES NOT AFFECT
13 THE STATE'S OBLIGATION TO PAY THE SAME PORTION OF EACH JUDGE'S
14 SALARY THAT IS PAID BY THE STATE TO OTHER DISTRICT JUDGES AS
15 PROVIDED BY LAW, OR TO APPROPRIATE AND DISBURSE FUNDS TO THE
16 DISTRICT CONTROL UNIT FOR THE NECESSARY COSTS OF STATE REQUIREMENTS
17 ESTABLISHED BY A STATE LAW THAT BECOMES EFFECTIVE ON OR AFTER
18 DECEMBER 23, 1978.

19 (13) ~~(14)~~—The twenty-ninth district consists of the city of
20 Wayne, is a district of the third class, and has 1 judge.

21 (14) ~~(15)~~—The thirtieth district consists of the city of
22 Highland Park, is a district of the third class, and has 1 judge.

23 (15) ~~(16)~~—The thirty-first district consists of the city of
24 Hamtramck, is a district of the third class, and has 1 judge.

25 (16) ~~(17)~~—The thirty-second-a district consists of the city of
26 Harper Woods, is a district of the third class, and has 1 judge.

27 (17) ~~(18)~~—The thirty-second-b district consists of the cities

1 of Grosse Pointe Woods, Grosse Pointe Park, Grosse Pointe, and
2 Grosse Pointe Farms, and the village of Grosse Pointe Shores, is a
3 district of the third class, and has 1 judge.

4 (18) ~~(19) The~~ **EXCEPT AS PROVIDED IN SUBSECTION (12), THE**
5 thirty-third district consists of the cities of Trenton, Gibraltar,
6 Woodhaven, Rockwood, and Flat Rock and the townships of Brownstown
7 and Grosse Ile in the county of Wayne, is a district of the third
8 class, and has the following number of judges:

9 (a) Until the date determined under subdivision (b), 3 judges.

10 (b) Beginning on the earlier of the following dates, 2 judges:

11 (i) The date on which a vacancy occurs in the office of
12 district judge in this district, **UNLESS THE VACANCY OCCURS AFTER A**
13 **JUDGE'S SUCCESSOR IN OFFICE HAS BEEN ELECTED BUT BEFORE THAT**
14 **SUCCESSOR TAKES OFFICE.**

15 (ii) The beginning date of the term for which an incumbent
16 district judge in this district no longer seeks election or
17 reelection to that office.

18 (19) ~~(20) The~~ thirty-fourth district consists of the townships
19 of Sumpster, Van Buren, and Huron in the county of Wayne and the
20 cities of Romulus and Belleville, is a district of the third class,
21 and has 3 judges.

22 (20) ~~(21) The~~ thirty-fifth district consists of the cities of
23 Northville and Plymouth and the townships of Northville, Plymouth,
24 and Canton in the county of Wayne, is a district of the third
25 class, and has 3 judges.

26 Enacting section 1. Section 8121 of the revised judicature act
27 of 1961, 1961 PA 236, MCL 600.8121, as amended by this amendatory

1 act, takes effect on January 2, 2015.