

SENATE BILL NO. 764

February 04, 2020, Introduced by Senators THEIS, RUNESTAD, WOJNO, DALEY, VICTORY, LAUWERS, LUCIDO, ALEXANDER, GEISS, CHANG, SCHMIDT, MCMORROW, JOHNSON, VANDERWALL, BULLOCK, BARRETT, OUTMAN, MOSS, SANTANA, POLEHANKI, HOLLIER, MCBROOM, NESBITT, HERTEL and ANANICH and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8202 (MCL 600.8202), as amended by 2016 PA 31.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 8202. (1) ~~A~~**Subject to subsection (8),** a district judge
- 2 shall receive an annual salary payable by this state as calculated
- 3 under this section.
- 4 (2) In addition to the salary received from this state under

1 subsection (1), a district judge may receive from a district
2 funding unit in which the judge regularly holds court an additional
3 salary as determined by the governing legislative body of the
4 district funding unit as provided in this section. Supplemental
5 salaries paid by a district funding unit ~~shall~~**must** be uniform as
6 to all judges who regularly hold court in the district funding
7 unit. However, the total annual additional salary paid to a
8 district court judge by the district funding units in which the
9 judge regularly holds court ~~shall~~**must** not cause the district
10 judge's total annual salary received from state and district
11 funding unit funds to exceed the maximum total salary allowed under
12 this section.

13 (3) Each district judge shall receive an annual salary
14 calculated as follows:

15 (a) A minimum annual salary payable by the state that is equal
16 to the difference between 84% of the salary of a justice of the
17 supreme court as of December 31, 2015 and \$45,724.00.

18 (b) In addition to the amount calculated under subdivision
19 (a), a salary of \$45,724.00 from the district funding unit or units
20 as provided in subsection (2). If a district judge receives a total
21 additional salary of \$45,724.00 from the district funding unit or
22 units and receives neither less than nor more than \$45,724.00,
23 including any cost-of-living allowance, the state shall reimburse
24 the district funding unit or units the amount that the unit or
25 units have paid to the judge.

26 (c) In addition to the amounts under subdivisions (a) and (b),
27 an amount payable by the state that is equal to the amounts
28 calculated under subdivisions (a) and (b) multiplied by the
29 compounded aggregate percentage pay increases, excluding lump-sum

1 payments, paid to civil service nonexclusively represented
2 employees classified as executives and administrators on or after
3 January 1, 2016. The additional salary under this subdivision takes
4 effect on the same date as the effective date of the pay increase
5 paid to civil service nonexclusively represented employees
6 classified as executives and administrators. The additional salary
7 under this subdivision ~~shall~~**must** not be based on a pay increase
8 paid to civil service nonexclusively represented employees
9 classified as executives and administrators if the effective date
10 of the increase was before January 1, 2016.

11 (4) A district judge who holds court in a county other than
12 the county of the judge's residence shall be reimbursed for his or
13 her actual and necessary expenses incurred in holding court upon
14 certification and approval by the state court administrator. Upon
15 certification of the judge's expenses, the sum ~~shall~~**must** be paid
16 out of the state treasury under the accounting laws of this state.

17 (5) Salaries of a district court judge may be increased but
18 ~~shall~~**must** not be decreased during a term of office, except to the
19 extent of a general salary reduction in all other branches of
20 government.

21 (6) A judge of the district court is eligible to be a member
22 of the Michigan judges retirement system created under the judges
23 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670.

24 (7) The district court in a district may hold evening and
25 Saturday sessions.

26 (8) **If a district judge is charged with a felony and as a**
27 **result his or her docket is removed or he or she is suspended from**
28 **acting as a district judge, the portion of the salary of that**
29 **district judge that accumulates during the time the docket of the**

1 district judge is removed or the district judge is suspended must
2 be held in escrow by the state court administrative office pending
3 the outcome of the criminal proceeding. If the district judge is
4 convicted of the felony, the money held in escrow under this
5 subsection must be released to the state and to the county or
6 counties that contributed the salary. If the district judge is
7 found not guilty of the felony or if the felony charge is
8 dismissed, the money held in escrow under this subsection must be
9 released to the district judge on his or her reinstatement.

10 (9) As used in this section, "docket" means the legal causes
11 to be tried by a judge.