

HOUSE BILL NO. 5131

October 12, 2023, Introduced by Reps. Skaggs and Andrews and referred to the Committee on Government Operations.

A bill to amend 1961 PA 236, entitled
"Revised judiciary act of 1961,"
by amending sections 301, 302, and 303d (MCL 600.301, 600.302, and
600.303d), section 301 as amended by 2012 PA 40, section 302 as
amended by 2012 PA 624, and section 303d as amended by 2005 PA 326,
and by adding section 303e; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 301. ~~Except as otherwise provided in this section, the~~
2 **The** court of appeals consists of ~~28~~**the number of** judges **as**

provided in section 303e and is a court of record. ~~Beginning on the date as determined under section 303a, the court of appeals consists of 24 judges.~~

Sec. 302. The state is divided into ~~4~~**5** judicial districts for the election of judges of the court of appeals. ~~Except as otherwise provided in this section,~~**Beginning on the date as determined under section 303e**, each district is entitled to ~~7~~**6** judges. ~~Beginning on the date as determined under section 303a, each district is entitled to 6 judges.~~ The districts are constituted and numbered as follows:

(a) District 1 consists of the counties of ~~Branch, Hillsdale, Kalamazoo, Lenawee, Monroe, St. Joseph,~~ and Wayne.

(b) District 2 consists of the counties of Genesee, ~~Macomb,~~ and ~~Lapeer,~~ Oakland, **Saginaw, and Shiawassee.**

(c) District 3 consists of the counties of ~~Allegan, Barry, Berrien, Calhoun, Cass, Eaton, Ionia, Jackson, Kent, Mason, Montcalm, Muskegon, Newaygo, Oceana, Ottawa, Van Buren, and Washtenaw.~~**Alcona, Alger, Alpena, Antrim, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iron, Isabella, Kalkaska, Kent, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Montcalm, Montmorency, Muskegon, Newaygo, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford.**

(d) District 4 consists of the counties of ~~Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau,~~

Livingston, ~~Luce, Mackinac, Manistee, Marquette, Mecosta,~~
~~Menominee, Macomb,~~ Midland, Missaukee, ~~Montmorency, Ogemaw,~~
~~Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon,~~
~~Saginaw, Sanilac, Schoolcraft, Shiawassee, St. Clair, and Tuscola.~~
~~, and Wexford.~~

(e) District 5 consists of the counties of Allegan, Barry,
 Berrien, Branch, Calhoun, Cass, Eaton, Hillsdale, Ionia, Jackson,
 Kalamazoo, Ottawa, St. Joseph, Van Buren, and Washtenaw.

Sec. 303d. ~~(1) To effectuate the transition from 3 districts~~
~~having a total of 24 judges to 4 districts having a total of 28~~
~~judges, the following special provisions apply:~~

~~(a) The judgeship in district 1 filled on October 13, 1993 by~~
~~an incumbent whose term expires January 1, 1995 and who is not~~
~~eligible to seek reelection shall terminate January 1, 1995 and~~
~~shall not be filled by election in 1994.~~

~~(b) To provide 7 judges in districts 3 and 4:~~

~~(i) In district 3, 4 new judgeships shall be filled by election~~
~~in 1994. The candidate receiving the highest number of votes is~~
~~elected for a term of 10 years, the candidates receiving the second~~
~~and third highest number of votes are elected for terms of 8 years~~
~~each, and the candidate receiving the fourth highest number of~~
~~votes is elected for a term of 6 years.~~

~~(ii) In district 4, 1 new judgeship shall be filled by election~~
~~in 1994. The candidate receiving the highest number of votes is~~
~~elected for a term of 6 years.~~

~~(2) A~~ **Except as otherwise provided in this section,** a judge of
 the court of appeals who is elected or appointed to a first term
 that begins on or after January 1, 1994 shall maintain offices only
 in the principal court of appeals offices in the district in which

1 ~~he or she~~ **the judge** was elected or appointed or in another office
2 located in the municipality where the principal court of appeals
3 facilities are located. **Beginning on the effective date of the**
4 **amendatory act that added section 303e, a judge elected or**
5 **appointed to district 4 or 5 may maintain an office in the**
6 **principal court of appeals facilities in the county of Ingham.**

7 **Sec. 303e. To effectuate the transition from 4 districts that**
8 **have a total of 25 judges on the effective date of the amendatory**
9 **act that added this section to 5 districts that have a total of 30**
10 **judges, the following special provisions apply:**

11 **(a) The judgeship in district 1 occupied on October 1, 2023 by**
12 **an incumbent whose term expires January 1, 2025 and who is not**
13 **eligible to seek reelection terminates on January 1, 2025 and must**
14 **not be filled by election in 2024.**

15 **(b) To provide 6 judges in districts 3, 4, and 5, all of the**
16 **following apply:**

17 **(i) In district 3, 1 new judgeship shall be filled by election**
18 **in 2024.**

19 **(ii) In district 4, 1 new judgeship shall be filled by election**
20 **in 2024.**

21 **(iii) In district 5, 4 new judgeships shall be filled by**
22 **election in 2024. The 2 candidates that receive the highest and**
23 **second highest number of votes are each elected for a term of 10**
24 **years. The candidate that receives the third highest number of**
25 **votes is elected for a term of 8 years. The candidate that receives**
26 **the fourth highest number of votes is elected for a term of 6**
27 **years.**

28 Enacting section 1. Sections 303a, 303b, and 303c of the
29 revised judicature act of 1961, 1961 PA 236, MCL 600.303a,

1 600.303b, and 600.303c, are repealed.