

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1351

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 302, 303a, 8123, and 8132 (MCL 600.302,
600.303a, 600.8123, and 600.8132), section 302 as amended and
section 303a as added by 2012 PA 40, section 8123 as amended by
2012 PA 37, and section 8132 as amended by 2011 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 302. ~~(1)~~—The state is divided into 4 judicial districts
2 for the election of judges of the court of appeals. Except as
3 otherwise provided in this section, each district is entitled to 7
4 judges. Beginning on the date as determined under section 303a,
5 each district is entitled to 6 judges. ~~Except as otherwise provided~~
6 ~~in subsection (2), the districts are constituted and numbered as~~

1 follows:

2 ~~—— (a) District 1 consists of the counties of Calhoun, Hillsdale,~~
 3 ~~Lenawee, Monroe, and Wayne.~~

4 ~~—— (b) District 2 consists of the counties of Genesee, Macomb,~~
 5 ~~Oakland, and Shiawassee.~~

6 ~~—— (c) District 3 consists of the counties of Allegan, Barry,~~
 7 ~~Berrien, Branch, Cass, Eaton, Ionia, Jackson, Kalamazoo, Kent,~~
 8 ~~Muskegon, Newaygo, Ottawa, St. Joseph, Van Buren, and Washtenaw.~~

9 ~~—— (d) District 4 consists of the counties of Alcona, Alger,~~
 10 ~~Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan,~~
 11 ~~Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet,~~
 12 ~~Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham,~~
 13 ~~Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau,~~
 14 ~~Livingston, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta,~~
 15 ~~Menominee, Midland, Missaukee, Montcalm, Montmorency, Oceana,~~
 16 ~~Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle,~~
 17 ~~Rosecommon, Saginaw, Sanilac, Schoolcraft, St. Clair, Tuscola, and~~
 18 ~~Wexford.~~

19 ~~—— (2) Beginning on the effective date of the amendatory act that~~
 20 ~~added this subsection, the **THE** districts are constituted and~~
 21 ~~numbered as follows:~~

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

24 (b) District 2 consists of the counties of Genesee, Macomb,
 25 and Oakland.

26 (c) District 3 consists of the counties of Allegan, Barry,
 27 Berrien, Calhoun, Cass, Eaton, Ionia, Jackson, Kent, Mason,

1 Montcalm, Muskegon, Newaygo, Oceana, Ottawa, Van Buren, and
2 Washtenaw.

3 (d) District 4 consists of the counties of Alcona, Alger,
4 Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan,
5 Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet,
6 Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham,
7 Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau,
8 Livingston, Luce, Mackinac, Manistee, Marquette, Mecosta,
9 Menominee, Midland, Missaukee, Montmorency, Ogemaw, Ontonagon,
10 Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Sanilac,
11 Schoolcraft, Shiawassee, St. Clair, Tuscola, and Wexford.

12 Sec. 303a. To effectuate the transition to 6 judges in each
13 district, each district is entitled to 6 judges as follows:

14 (a) If there are not more than 6 incumbent court of appeals
15 judges in a district on ~~the effective date of the amendatory act~~
16 ~~that added this section~~ **MARCH 25, 2012**, the number of judgeships in
17 that district shall remain at 6.

18 (b) If there are more than 6 court of appeals judgeships in a
19 district on ~~the effective date of the amendatory act that added~~
20 ~~this section~~ **MARCH 25, 2012** and 1 of those judgeships is vacant,
21 that judgeship is eliminated. If more than 1 of the judgeships in
22 that district is vacant, only the vacant judgeship with the
23 shortest remaining term is eliminated. If the elimination of a
24 judgeship results in 6 incumbent court of appeals judges in that
25 district, the number of judgeships in that district shall remain at
26 6.

27 (c) Except as otherwise provided in this subdivision, if there

1 are more than 6 court of appeals judgeships in a district on ~~the~~
 2 ~~effective date of the amendatory act that added this section~~ **MARCH**
 3 **25, 2012** and there are no judgeships to be eliminated under
 4 subdivision (b), 1 judgeship shall be eliminated from the district
 5 at the ~~end~~ **BEGINNING** of the term for which an incumbent judge of
 6 the court of appeals does not seek election or reelection to that
 7 office until there are 6 incumbent judges in that district.
 8 Thereafter, the number of judgeships in the district shall remain
 9 at 6. However, a judgeship held by an incumbent judge who is
 10 serving by appointment of the governor shall not be eliminated
 11 under this subdivision unless the judge does not seek election at
 12 the first general election held after the vacancy to which he or
 13 she was appointed occurred, as provided in section 23 of article VI
 14 of the state constitution of 1963, or does not seek reelection at
 15 the end of a subsequent term.

16 Sec. 8123. (1) The forty-third district consists of the cities
 17 of Madison Heights, Ferndale, and Hazel Park, is a district of the
 18 third class, and has 3 judges.

19 (2) Except as otherwise provided in this subsection, the
 20 forty-fourth district consists of the city of Royal Oak, is a
 21 district of the third class, and has 2 judges. Beginning ~~January 2,~~
 22 ~~2013,~~ **JANUARY 2, 2015**, the forty-fourth district ~~has 1 judge~~
 23 ~~beginning on the earlier of the following dates:~~ **CONSISTS OF THE**
 24 **CITIES OF ROYAL OAK AND BERKLEY AND HAS THE FOLLOWING NUMBER OF**
 25 **JUDGES:**

26 (A) **UNTIL THE DATES DETERMINED UNDER SUBDIVISIONS (B) AND (C),**
 27 **3 JUDGES.**

(B) BEGINNING JANUARY 3, 2015, THE FORTY-FOURTH DISTRICT HAS 2 JUDGES BEGINNING ON THE EARLIER OF THE FOLLOWING DATES:

(i) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF DISTRICT JUDGE IN THE FORTY-FOURTH DISTRICT.

(ii) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN THE FORTY-FOURTH DISTRICT NO LONGER SEEKS ELECTION OR REELECTION TO THAT OFFICE.

(C) FOLLOWING THE REDUCTION IN THE NUMBER OF JUDGESHIPS FROM 3 TO 2 UNDER SUBDIVISION (B), THE FORTY-FOURTH DISTRICT HAS 1 JUDGE BEGINNING ON THE EARLIER OF THE FOLLOWING DATES:

(i) ~~(a)~~—The date on which a vacancy occurs in the office of district judge in the forty-fourth district.

(ii) ~~(b)~~—The beginning date of the term for which an incumbent district judge in the forty-fourth district no longer seeks election or reelection to that office.

(3) Except as otherwise provided in this subsection, the forty-fifth-a district **IS CREATED**, consists of the city of Berkley, is a district of the third class, and has 1 judge. ~~Subject to subsection (11), beginning~~ **THE PERSON SERVING AS JUDGE OF THE FORTY-FIFTH-A DISTRICT ON JUNE 30, 2012, OR HIS OR HER SUCCESSOR, SHALL SERVE AS JUDGE OF THE FORTY-FIFTH-A DISTRICT UNTIL THAT DISTRICT IS ABOLISHED UNDER THIS SUBSECTION. FOR PURPOSES OF THE NOVEMBER 2014 GENERAL ELECTION ONLY, THE TERM OF THE PERSON ELECTED DISTRICT JUDGE IN THE FORTY-FIFTH-A DISTRICT IS 8 YEARS. BEGINNING July 1, 2012, the forty-fifth district is created. The forty-fifth district consists of the cities of Berkley, Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak in the**

1 county of Oakland, is a district of the third class, and has ~~3-2~~
2 judges. Beginning ~~July 1, 2012~~ **JANUARY 2, 2015**, the forty-fifth-a
3 district is abolished and the judge of the forty-fifth-a district
4 shall become a judge of the ~~forty-fifth~~ **FORTY-FOURTH** district for
5 the balance of the term to which he or she was elected or
6 appointed. Sections 8175 and 8176 do not apply to the ~~consolidation~~
7 **REORGANIZATION** of the **FORTY-FOURTH, FORTY-FIFTH**, forty-fifth-a, and
8 forty-fifth-b districts. **ANY PHYSICAL REORGANIZATION REQUIRED TO**
9 **ACCOMPLISH THE REORGANIZATION OF DISTRICT BOUNDARIES UNDER THIS**
10 **SUBSECTION AND SUBSECTION (2) SHALL BE COMPLETED NO LATER THAN**
11 **JANUARY 1, 2021.** For purposes of the November ~~2020-2014~~ general
12 election only, the term of the candidate for district judge in the
13 forty-fifth judicial district who receives the highest number of
14 votes is 8 years and the term of the candidate for district judge
15 in the forty-fifth judicial district who receives the second
16 highest number of votes is 6 years. ~~Beginning July 2, 2012, the~~
17 ~~forty-fifth district has 2 judges beginning on the earlier of the~~
18 ~~following dates:~~

19 ~~—— (a) The date on which a vacancy occurs in the office of~~
20 ~~district judge in the forty-fifth district.~~

21 ~~—— (b) The beginning date of the term for which an incumbent~~
22 ~~district judge in the forty-fifth district no longer seeks election~~
23 ~~or reelection to that office.~~

24 (4) Except as otherwise provided in this subsection, the
25 forty-fifth-b district consists of the cities of Huntington Woods,
26 Oak Park, and Pleasant Ridge and the township of Royal Oak in the
27 county of Oakland, is a district of the third class, and has 2

1 judges. Beginning July 1, 2012, the forty-fifth-b district is
2 abolished and the judges of the forty-fifth-b district shall become
3 judges of the forty-fifth district for the balance of the term to
4 which they were elected or appointed.

5 (5) The forty-sixth district consists of the cities of
6 Southfield and Lathrup Village and the township of Southfield in
7 the county of Oakland, is a district of the third class, and has 3
8 judges.

9 (6) The forty-seventh district consists of the cities of
10 Farmington and Farmington Hills, is a district of the third class,
11 and has 2 judges.

12 (7) The forty-eighth district consists of the cities of
13 Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and
14 Orchard Lake Village and the townships of Bloomfield and West
15 Bloomfield in the county of Oakland, is a district of the third
16 class, and has the following number of judges:

17 (a) Until the date determined under subdivision (b), the
18 forty-eighth district has 3 judges.

19 (b) The forty-eighth district has 2 judges beginning on the
20 earlier of the following dates:

21 (i) The date on which a vacancy occurs in the office of
22 district judge in this district.

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

26 (8) The fiftieth district consists of the city of Pontiac, is
27 a district of the third class, and has the following number of

1 judges:

2 (a) Until the date determined under subdivision (b), 4 judges.

3 (b) The fiftieth district has 3 judges beginning on the
4 earlier of the following dates:

5 (i) The date on which a vacancy occurs in the office of
6 district judge in this district.

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

10 (9) The fifty-first district consists of the township of
11 Waterford in the county of Oakland, is a district of the third
12 class, and has 2 judges.

13 (10) The fifty-second district consists of the county of
14 Oakland except the cities of Madison Heights, Ferndale, Hazel Park,
15 Royal Oak, Berkley, Huntington Woods, Oak Park, Pleasant Ridge,
16 Southfield, Lathrup Village, Farmington, Farmington Hills,
17 Northville, Sylvan Lake, Keego Harbor, Orchard Lake Village,
18 Birmingham, Bloomfield Hills, and Pontiac and the townships of
19 Royal Oak, Southfield, West Bloomfield, Bloomfield, and Waterford,
20 is a district of the second class, and is divided into the
21 following election divisions:

22 (a) The first division consists of the cities of Novi, South
23 Lyon, Wixom, and Walled Lake and the townships of Milford,
24 Highland, Commerce, Lyon, and Novi and has 3 judges.

25 (b) The second division consists of the city of the village of
26 Clarkston and the townships of Springfield, Independence, Holly,
27 Groveland, Brandon, Rose, and White Lake and has 2 judges.

1 (c) The third division consists of the cities of Rochester,
2 Auburn Hills, Rochester Hills, and Lake Angelus and the townships
3 of Oxford, Addison, Orion, and Oakland and has 3 judges.

4 (d) Except as otherwise provided in this subdivision, the
5 fourth division consists of the cities of Troy and Clawson and has
6 3 judges. Beginning 12 noon, January 1, 2013, the fourth division
7 has 2 judges.

8 ~~—— (11) If the district control units for the forty-fifth-a and~~
9 ~~forty-fifth-b district court districts submit an alternative~~
10 ~~judicial reorganization plan that is approved by the state court~~
11 ~~administrative office by July 1, 2012, then the reorganization~~
12 ~~provisions of subsections (3) and (4) do not apply.~~

13 Sec. 8132. (1) Until 12 noon, January 1, 2015, the sixty-
14 fifth-a district consists of the county of Clinton, is a district
15 of the first class, and has 1 judge. Beginning 12 noon, January 1,
16 2015, the sixty-fifth-a district consists of the county of Clinton
17 and is a district of the first class. Under section 810a, the
18 probate judge for the county of Clinton shall serve as a ~~a~~**THE** judge
19 of the sixty-fifth-a district.

20 (2) The sixty-fifth-b district consists of the county of
21 Gratiot, is a district of the first class, and has 1 judge.