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BILL ANALYSIS

Senate Fiscal Agency

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**Senate Bill 487 (as reported with amendment)****Sponsor: Senator John F. Kelly****Committee: Local Government and Veterans****Date Completed: 10-21-87*****RATIONALE***

Recently, a problem has arisen involving the jurisdiction of a judge to hear cases in the village of Grosse Pointe Shores, which is in a judicial district containing four cities that each have a municipal court. Since the village does not have its own court, cases in the village have been decided by one of the cities' municipal judges (or by an assigned retired judge). While statutes governing municipal courts in cities give municipal judges the authority to arraign criminal defendants, as well as hear civil matters, the village incorporation law authorizes the municipal court in a village to hear only "cases involving a violation of the village's ordinances". Apparently, this distinction was overlooked until recently, when a defendant successfully challenged the authority of the judge who was sitting in Grosse Pointe Shores. In order to ensure that a municipal judge has the same authority in Grosse Pointe Shores as in his or her own court, it has been proposed that the village incorporation law be amended.

sitting in Grosse Pointe Shores. The bill would remove this restriction by providing that the municipal court in the judicial district that includes the village (that is, the court in one of the four other "Pointes") could hear cases that occurred in the village and came within the jurisdiction of the court.

**Legislative Analyst: S. Margules****Fiscal Analyst: G. Olson**

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

***CONTENT***

The bill would amend Public Act 278 of 1909, which provides for the incorporation of villages, to require the district court or municipal court in the judicial district in which a village is located to hear and determine all cases "that occur within the village's boundaries and come within the jurisdiction and authority of the district court or municipal court in the judicial district in which the village is located". This would revise the provision under which the court is authorized to hear cases "involving a violation of the village's ordinances".

MCL 78.22a

***FISCAL IMPACT***

The bill would have no fiscal impact on State or local government. The bill would clarify the jurisdiction of district and municipal courts.

***ARGUMENTS******Supporting Argument***

The bill would address the situation in Grosse Pointe Shores, the only village in Michigan in which a municipal judge decides cases. Grosse Pointe Shores does not actually have its own court, although it has facilities that can accommodate a municipal judge from Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, or Grosse Pointe Woods, the cities in the same judicial district as Grosse Pointe Shores. (Michigan's fifth municipal court, in East Detroit, is in a different district.) Until recently, a judge sitting in Grosse Pointe Shores has decided the same types of cases that a judge could hear in a city's municipal court. Under the law, however, the judge is authorized to hear only cases involving a village ordinance violation, when

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