



**House
Legislative
Analysis
Section**

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JUSTICES OF THE PEACE

House Bills 4752, 4754, 4757-4759

(Substitutes H-1)

House Bill 4756 (Substitute H-2)

House Bills 4753 and 4755

as introduced

Sponsor: Rep. David Honigman

Mich. State Law Library

House Bills 4787, 4789, 4790, and 4792 as
introduced

House Bills 4788 (Substitute H-1)

and 4791 (Substitute H-2)

Sponsor: Rep. Perry Bullard

First Analysis (10-4-89)

Committee: Judiciary

H.B. 4752 et al (10-4-89)

THE APPARENT PROBLEM:

Michigan's 1963 constitution abolished the office of justice of the peace. Many statutes continue to refer to that office, however. The Michigan Law Revision Commission and others have recommended that obsolete references to justices of the peace be removed from Michigan statute.

THE CONTENT OF THE BILL:

In general, the bills would amend various acts to replace references to justices of the peace with references to district and municipal judges. House Bill 4752 would repeal various apparently obsolete acts, as follows:

Year of Act	Public Act No.	MCL
1911	299	730.1 to 730.30
1933	269	730.101 to 730.159
1911	171	730.201 to 730.204
1947	41	730.301 to 730.302
1947	109	730.321 to 730.328
1947	103	730.351 to 730.354
1961	42	730.571 to 730.575

House Bill 4754 would repeal several sections of the Code of Criminal Procedure, as follows: MCL 773.16, 774.22a, 774.22b, and 775.5. (Note: the repeal of MCL 773.16 may be in error; that section does not refer to justices of the peace, but rather provides for the reinterment of bodies following an inquest.)

The other bills and the acts that they would amend are as follows:

Bill	Public Act. No.	Short title/ subject matter	MCL
4753	359 of 1941	noxious weeds	247.70
4755	85 of 1935	married woman, common law presumption re. coercion	780.401 318.66
4756	355 of 1927	Mackinac Island	402.18, 402.19
4757	146 of 1925	relief of the poor	
4758	ten-hour		
	137 of 1885	work day	408.403
4759		floating/washed	
	238 of 1879	ashore logs	426.160

Bill	Public Act. No.	Short title/ subject matter	MCL
4787	Ch. 53 of Rev. Stat. of 1846	Of Libraries and Lyceums	450.691
4788	Ch. 55 of Rev. Stat. of 1846	Genl. Provisions Relating to Corporations	450.504
4789	137 of 1929	private resort corps.	455.216
4790	39 of 1889	summer homes/ camp meetings	455.62
4791	105 of 1951	posters and placards	752.822, 752.823
4792	87 of 1855	burying grounds	456.6

FISCAL IMPLICATIONS:

Fiscal information is not available. (10-4-89)

ARGUMENTS:

For:

The bills would update Michigan statute by ridding it of many obsolete references to the abolished office of justice of the peace. Such "housekeeping" action has been recommended by the Michigan Law Revision Commission.

Against:

It is not completely clear that the bills would only update statute. For example, one of the sections of law that House Bill 4754 proposes to repeal does not mention justices of the peace, but rather provides for a sheriff's duty to ensure the reinterment of a body following an inquest. It may be that further review of the bills is warranted, particularly since the bills as a group do not precisely adhere to specific recommendations of the law revision commission.

POSITIONS:

In its 1985 and 1986 annual reports, the Michigan Law Revision Commission recommended eliminating references to abolished courts.