

CIRCUIT COURT LOCATIONS

House Bill 5162 as enrolled
Second Analysis (7-31-92)

Sponsor: Rep. Robert Brackenridge
Committee: Judiciary

THE APPARENT PROBLEM:

The Revised Judicature Act specifies the locations at which circuit court is held in the various counties. For the second circuit, Berrien County, the act allows court to be held in St. Joseph, in Niles, and, for ceremonial purposes such as the naturalization of citizens, in the old county courthouse in Berrien Springs. These limitations on location do not accommodate recent developments in the circuit. In October 1991, the circuit opened a special drug court funded with about \$150,000 in state and federal anti-drug abuse grant money. The experimental court, which hears drug cases only, combines the procedural functions of district and circuit courts, allowing matters that ordinarily might take months to be completed in a few days or weeks. The goal is to speed up case disposition; the hope is that faster convictions will put a significant dent in local drug trade. Speedier process also will allow court-ordered drug counseling and treatment to begin more promptly. The court is to hear cases coming from Benton Harbor and Benton Township, which sought the grant. The desire is to hold the court in Benton Harbor, for greater efficiency and visibility.

It thus appears that statute needs to be amended if the Berrien County drug court is to be held in Benton Harbor as planned. However, the occasions on which statute needs to be amended to permit new court locations arise fairly regularly. Language to provide for new locations to be established for any circuit court has been proposed.

THE CONTENT OF THE BILL:

The bill would amend the Revised Judicature Act to provide that the chief judge of any circuit could designate one or more places in the circuit, in addition to the county seat and places otherwise designated by law, where regular terms of circuit court may be held. However, the designation would have to be approved by the state court administrator and by the county board of commissioners in each county in the circuit; that approval could be for a specific period of time, and could require that the

new site be re-approved at intervals determined by the county and the state court administrator. In addition, if the designation was for the third circuit (Wayne County), it could not take effect until a bill had been enacted to provide appropriations for any necessary state funding.

MCL 600.1517

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have an indeterminate fiscal impact on local units of government. Administrative costs would depend on the number of locations and would vary from county to county. (2-4-92)

ARGUMENTS:

For:

The bill would accomplish the dual purpose of allowing the Berrien County drug court to be held in Benton Harbor and of precluding the need to again amend the Revised Judicature Act each time changing circumstances necessitate a change in circuit court location. Sensible restraints, however, would be preserved by requiring approval from the affected counties and the supreme court. Thus, there would be assurances that proposed sites would be adequate and would meet, but not exceed, local needs. As local approval would be required before any new expenses could be incurred, the bill would simultaneously ensure that local resources were adequate and excuse the state from having to undertake those expenses under the provisions of Article IX, Section 29 of the state constitution.

Against:

Whether circuit court location should by statute have to meet with the approval of the state court administrator is a matter of some dispute. The law does not at present require such approval, and it seems to many that matters of local need and funding should be determined locally. Similarly, if

one county is willing to assume the cost of holding court in a new location, it is unclear why approval should have to be obtained from any other county in the circuit.

Response:

Under the constitution, the judicial power of the state is vested in one court of justice, which is overseen by the supreme court. Arguably, the supreme court, through its administrative office, has authority over matters of circuit court location as part of its constitutionally-granted control over local courts; providing for that authority in statute could be redundant. However, a statutory requirement for approval would make the matter perfectly clear, and emphasize that state oversight is appropriate to ensure court accessibility, adequate recordkeeping, and for other reasons related to court administration.

Rebuttal:

The supreme court's constitutional authority is for control over procedural matters, which need not include decisions on where to locate a court.