

SENATE BILL No. 826

March 25, 1992, Introduced by Senators WELBORN and DE GROW
and referred to the Committee on Judiciary.

A bill to amend sections 308 and 8342 of Act No. 236 of the
Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
as amended by Act No. 206 of the Public Acts of 1981, being
sections 600.308 and 600.8342 of the Michigan Compiled Laws; and
to add section 8342a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 308 and 8342 of Act No. 236 of the
2 Public Acts of 1961, as amended by Act No. 206 of the Public Acts
3 of 1981, being sections 600.308 and 600.8342 of the Michigan
4 Compiled Laws, are amended and section 8342a is added to read as
5 follows:

6 Sec. 308. (1) The court of appeals has jurisdiction on
7 appeals from the following orders and judgments which shall be
8 appealable as a matter of right:

1 (a) All final judgments from the circuit court, court of
2 claims, and recorder's court, except judgments on ordinance vio-
3 lations in the traffic and ordinance division of recorder's
4 court.

5 (B) ALL FINAL JUDGMENTS FROM THE DISTRICT COURT FROM WHICH
6 APPEALS AS OF RIGHT MAY BE TAKEN UNDER SECTION 8342A.

7 (C) ~~(b)~~ Those orders of the probate court from which an
8 appeal as of right may be taken under section 861.

9 (2) The court of appeals has jurisdiction on appeal from the
10 following orders and judgments which shall be reviewable only
11 upon application for leave to appeal granted by the court of
12 appeals:

13 (a) A final judgment or order made by the circuit court
14 under any of the following circumstances:

15 (i) In an appeal from an order, sentence, or judgment of the
16 probate court under section 863(1) and (2).

17 (ii) In an appeal from a final judgment or order of the dis-
18 trict court appealed to the circuit court under section 8342.

19 (iii) An appeal from a final judgment or order of a munici-
20 pal court.

21 (iv) In an appeal from an ordinance violation conviction in
22 the traffic and ordinance division of recorder's court of the
23 city of Detroit if the conviction occurred before September 1,
24 1981.

25 (b) An order, sentence, or judgment of the probate court if
26 the probate court certifies the issue or issues under section
27 863(3).

1 (c) A final judgment or order made by the recorder's court
2 of the city of Detroit in an appeal from the district court in
3 the thirty-sixth district pursuant to section 8342(2).

4 (d) Such other judgments or interlocutory orders as the
5 supreme court may by rule determine.

6 Sec. 8342. (1) Except as OTHERWISE provided in
7 SECTION 8342A OR subsection (2), appeals from the district court
8 shall be to the circuit court for the county in which the judg-
9 ment is rendered.

10 (2) All appeals in misdemeanor or ordinance violation cases
11 tried in the district court in the thirty-sixth district, or in a
12 felony case over which the district court in the thirty-sixth
13 district has jurisdiction before trial, shall be to the
14 recorder's court of the city of Detroit. As used in this subsec-
15 tion, "ordinance violation" means ordinance violation as defined
16 in section 1 of chapter I of THE CODE OF CRIMINAL PROCEDURE, Act
17 No. 175 of the Public Acts of 1927, as amended, being section
18 761.1 of the Michigan Compiled Laws.

19 (3) All appeals from final judgments shall be as of right
20 and all other appeals shall be by application.

21 (4) All appeals to the court of appeals from judgments
22 entered by the circuit court or the recorder's court on appeals
23 from the district court shall be by application.

24 SEC. 8342A. A PARTY TO AN ACTION IN THE DISTRICT COURT MAY
25 APPEAL THE FINAL JUDGMENT ENTERED BY THE DISTRICT COURT AS A
26 MATTER OF RIGHT TO THE COURT OF APPEALS IF THE ACTION WAS
27 REMANDED TO THE DISTRICT COURT UNDER SECTION 641.