



SENATE BILL No. 749

July 13, 1993, Introduced by Senators WELBORN and
EHLERS and referred to the Committee on Judiciary.

A bill to amend sections 308, 8311, 8314, and 8342 of Act
No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
sections 308 and 8342 as amended by Act No. 206 of the Public
Acts of 1981 and section 8314 as amended by Act No. 278 of the
Public Acts of 1984, being sections 600.308, 600.8311, 600.8314,
and 600.8342 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 308, 8311, 8314, and 8342 of Act
2 No. 236 of the Public Acts of 1961, sections 308 and 8342 as
3 amended by Act No. 206 of the Public Acts of 1981 and section
4 8314 as amended by Act No. 278 of the Public Acts of 1984, being
5 sections 600.308, 600.8311, 600.8314, and 600.8342 of the
6 Michigan Compiled Laws, are amended to read as follows:

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

4 (a) All final judgments ~~from~~ OF the circuit court, court
5 of claims, and recorder's court, except judgments on ordinance
6 violations in the traffic and ordinance division of recorder's
7 court.

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

10 (C) ALL FINAL JUDGMENTS OR ORDERS OF THE DISTRICT COURT MADE
11 PURSUANT TO SECTION 8311(E) OF THIS ACT OR SECTION 13(3) OF CHAP-
12 TER VI OF ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION
13 766.13 OF THE MICHIGAN COMPILED LAWS.

14 (2) The court of appeals has jurisdiction on appeal from the
15 following orders and judgments which shall be reviewable only
16 upon application for leave to appeal granted by the court of
17 appeals:

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

20 (i) In an appeal from an order, sentence, or judgment of the
21 probate court under section 863(1) ~~and~~ OR (2).

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

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

26 (iv) In an appeal from an ordinance violation conviction in
27 the traffic and ordinance division of recorder's court of the

1 city of Detroit if the conviction occurred before September 1,
2 1981.

3 (b) An order, sentence, or judgment of the probate court if
4 the probate court certifies the issue or issues under section
5 863(3).

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

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

11 Sec. 8311. The district court ~~shall have~~ HAS jurisdiction
12 ~~of~~ OVER ALL OF THE FOLLOWING:

13 (a) Misdemeanors punishable by a fine or imprisonment FOR
14 not ~~exceeding~~ MORE THAN 1 year, or both.

15 (b) Ordinance and charter violations punishable by a fine or
16 imprisonment, or both.

17 (c) Arraignments, the fixing of bail, and the accepting of
18 bonds.

19 (d) Preliminary examinations in all felony cases and misde-
20 meanor cases not cognizable by the district court, but there
21 shall not be a preliminary examination for any misdemeanor to be
22 tried in a district court.

23 (E) PLEAS AND SENTENCINGS IN FELONY CASES PRIOR TO THE
24 FILING OF THE INFORMATION IN CIRCUIT COURT.

25 Sec. 8314. (1) In each district of the district court,
26 other than the thirty-sixth district, the judge or judges of the
27 district may establish a probation department within a district

1 control unit. The thirty-sixth district shall have a probation
2 department. Except as provided in section 8272, the necessary
3 and reasonable expense of a probation department shall be borne
4 by the district control unit.

5 (2) PROBATION OFFICERS FOR THE CIRCUIT COURT SHALL PROVIDE
6 PROBATION SERVICES FOR THE DISTRICT COURT FOR PURPOSES OF SECTION
7 8311(E) OF THIS ACT AND SECTION 13(3) OF CHAPTER VI OF ACT
8 NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION 766.13 OF THE
9 MICHIGAN COMPILED LAWS.

10 Sec. 8342. (1) Except as provided in ~~subsection~~
11 SUBSECTIONS (2) AND (5), appeals from the district court shall be
12 to the circuit court for the county in which the judgment is
13 rendered.

14 (2) ~~All~~ EXCEPT AS PROVIDED IN SUBSECTION (5), ALL appeals
15 in misdemeanor or ordinance violation cases tried in the district
16 court in the thirty-sixth district, or in a felony case over
17 which the district court in the thirty-sixth district has juris-
18 diction before trial, shall be to the recorder's court of the
19 city of Detroit. As used in this subsection, "ordinance
20 violation" means ~~ordinance violation~~ THAT TERM as defined in
21 section 1 of chapter I of Act No. 175 of the Public Acts of
22 1927, as amended, being section 761.1 of the Michigan Compiled
23 Laws.

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

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

4 (5) ALL FINAL JUDGMENTS OR ORDERS OF THE DISTRICT COURT MADE
5 PURSUANT TO SECTION 8311(E) OF THIS ACT OR SECTION 13(3) OF CHAP-
6 TER VI OF ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION
7 766.13 OF THE MICHIGAN COMPILED LAWS, SHALL BE APPEALABLE TO THE
8 COURT OF APPEALS AS PROVIDED UNDER SECTION 308.

9 Section 2. This amendatory act shall not take effect unless
10 Senate Bill No. 750

11 of the 87th Legislature is enacted into law.

12 Section 3. This amendatory act shall take effect upon the
13 expiration of 1 year after the date of its enactment.