



# SENATE BILL No. 753

July 13, 1993, Introduced by Senators WELBORN and EHLERS  
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~~  
3 ~~violations in the traffic and ordinance division of recorder's~~  
4 ~~court.~~

5 (B) ALL FINAL JUDGMENTS FROM THE DISTRICT COURT FROM WHICH  
6 AN APPEAL 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 municipi-  
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. IF AN ACTION IS REMOVED TO THE DISTRICT COURT  
25 UNDER SECTION 641, ALL APPEALS FROM FINAL JUDGMENTS ON THE ACTION  
26 THAT ARE ENTERED BY THE DISTRICT COURT ARE APPEALABLE AS A MATTER  
27 OF RIGHT TO THE COURT OF APPEALS.