
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 752 (Substitute S-1 as reported)
Sponsor: Senator Joe Young, Jr.
Committee: Judiciary

CONTENT

The bill would amend the Michigan Uniform Municipal Court Act to revise the process for appeals from municipal courts. The bill is tie-barred to Senate Bill 753.

The Act specifies that appeals in criminal cases may be taken as a matter of right from a city's municipal court to the circuit court of the county in which the city is located, in the same manner and time as is provided by law for appeals in criminal cases from the former justice courts or as otherwise provided by law. The Code of Criminal Procedure provides that an appeal to the circuit court from a municipal court is a de novo proceedings (i.e., the circuit court hears the case anew, rather than reviewing the record of the original trial).

Under the bill, that provision in the Uniform Municipal Court Act would apply except that an appeal in a civil action or a criminal case from a municipal court of a city that adopted a resolution under the bill would have to be taken from the municipal court to the circuit court, and the appeal would not be a de novo proceeding in circuit court. The conditions, manner, and time of the appeal would have to be the same as provided by law and by Supreme Court rule for appeals in civil actions or criminal cases from the district court. The proposed provision would apply only in a city that maintained a municipal court on the bill's effective date and that, by resolution of the city's legislative body, agreed to assume any local financial obligations that could arise out the appeal. A resolution required under the bill would not be valid unless it were adopted and submitted to the State Court Administrative Office within 180 days after the bill's effective date.

The bill specifies that the changes in the municipal court appeals process would apply to actions pending in municipal courts on the bill's effective date and to actions commenced in those courts on or after that date.

MCL 730.523 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have a minimal fiscal impact and should result in overall administrative savings due to the reduced time of proceedings in appeals in circuit court. Costs would result from recording jury trials in municipal courts. There are five municipal courts in Michigan (Eastpointe, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, and Grosse Pointe Shores and Woods).

Date Completed: 2-17-98

Fiscal Analyst: B. Bowerman

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