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**SFA****BILL ANALYSIS**

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Senate Bill 753 (Substitute S-1 as reported)  
Sponsor: Senator Joe Young, Jr.  
Committee: Judiciary

### **CONTENT**

The bill would amend the Code of Criminal Procedure to revise the process for appeals from municipal courts. The bill is tie-barred to Senate Bill 752.

Under the Code, in a misdemeanor or ordinance violation case appealable as of right from a court of record to the circuit court, a motion for a new trial must be made within 20 days after entry of the judgment. Under the bill, this provision also would apply to cases appealable from a municipal court in a city that adopted a resolution under Senate Bill 752.

The Code specifies that, in a misdemeanor or ordinance violation case tried in the district court, there is a right of appeal to the circuit court in the county in which the misdemeanor or ordinance violation was committed. Senate Bill 753 (S-1) would include in this provision a case tried in a municipal court in a city that adopted a resolution of approval under Senate Bill 752.

The Code specifies that a defendant who is convicted of a misdemeanor or ordinance violation in a municipal court may appeal to the circuit court for a trial de novo, even if the sentence has been suspended or the fine or costs, or both, have been paid. If a defendant who appeals a conviction in municipal court is found not guilty on appeal in the circuit court, the circuit court must discharge the defendant. If a defendant takes an appeal from a municipal court and withdraws the appeal, or if the circuit court dismisses the appeal, leaving the municipal court conviction in effect, the circuit court may enter an order revoking a recognizance and also may direct that the municipal court's sentence be carried out. Under Senate Bill 753 (S-1), these provisions would apply to a case in a municipal court in a city that did *not* adopt a resolution under Senate Bill 752.

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 770.2 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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