

Act No. 415
Public Acts of 1998
Approved by the Governor
December 18, 1998
Filed with the Secretary of State
December 21, 1998
EFFECTIVE DATE: January 1, 1999

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senator Young

ENROLLED SENATE BILL No. 752

AN ACT to amend 1956 PA 5, entitled "An act to establish and promote a uniform system of municipal courts in cities; to consolidate justice courts in cities into a system of municipal courts; to change the name of existing justice courts and justices of the peace in cities to municipal courts and municipal judges; to promote uniformity in practice and procedure in such courts; to prescribe the powers, duties and functions of such courts; and to provide for substitute municipal judges in cities in cases of death, absence, disability or removal of the regularly elected or appointed municipal judges and in cases where temporary judicial assistance is needed in such courts," by amending section 23 (MCL 730.523) and by adding section 23a.

The People of the State of Michigan enact:

Sec. 23. Except as provided in section 23a, appeals in criminal cases may be taken as a matter of right from the municipal court of a city 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.

Sec. 23a. (1) An appeal in a civil action or a criminal case from a municipal court of a city that adopts a resolution under subsection (2) shall be taken from the municipal court to the circuit court in the county in which the city is located. The appeal shall not be a de novo proceeding in circuit court. The conditions, manner, and time of the appeal shall be the same as is provided by law and by supreme court rule for appeals in civil actions or criminal cases from the district court.

(2) This section applies only in a city that maintains a municipal court on the effective date of this section and that, by resolution of its legislative body, agrees to assume any local financial obligations that may arise out of this section, and applies only to actions commenced on or after the date on which that resolution is submitted to the state court administrative office. A resolution required under this subsection is not valid unless it is adopted and submitted to the state court administrative office not later than 180 days after the effective date of this section.

Enacting section 1. This amendatory act takes effect January 1, 1999.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5271 of the 89th Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Maya Rudolph

Clerk of the House of Representatives.

Approved _____

Governor.