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MAGISTRATES: INCLUDE POWER TO IMPOSE SENTENCE

House Bill 5064

Sponsor: Rep. Mike Kowall

Committee: Civil Law and the Judiciary

Complete to 11-8-01

A SUMMARY OF HOUSE BILL 5064 AS INTRODUCED 9-20-01

Currently, Section 8512a of the Revised Judicature Act (RJA) specifies that a district court magistrate may do one or more of the following, but only to the extent expressly authorized by the chief judge, presiding judge, or only judge of the district court district:

- Accept an admission of responsibility and order civil sanctions for a civil infraction, or an appropriate civil sanction permitted by statute or ordinance defining the act or omission.
- Accept a plea of guilty or nolo contendere and impose sentence for a misdemeanor or ordinance violation punishable by a fine and which is not punishable by imprisonment by the terms of the statute or ordinance creating the offense.

House Bill 5064 would amend the latter provision to specify that a magistrate *could* impose a sentence punishable by imprisonment. Under the bill, a magistrate could, in addition to accepting a plea of guilty or nolo contendere, impose sentence for a misdemeanor violation of a state law, or a misdemeanor violation of a local ordinance, if the maximum possible term of imprisonment for the violation did not exceed 93 days.

House Bill 5064 (11-8-01)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.