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Senate Bill 764 (Substitute S-1 as reported)
Senate Bill 765 (Substitute S-1 as reported)
Senate Bill 766 (Substitute S-1 as reported)
Sponsor: Senator John D. Cherry, Jr. (Senate Bill 764)
 Senator Bill Bullard, Jr. (Senate Bill 765)
 Senator Art Miller, Jr. (Senate Bill 766)
Committee: Judiciary

CONTENT

The bills would amend the Revised Judicature Act (RJA) to authorize two additional circuit court judgeships and eliminate one probate court judgeship in Genesee County; eliminate one district court judgeship in Flint; delete the authority of the Wayne and Oakland County boards of commissioners to provide for additional probate court judgeships; eliminate two circuit court judgeships in Wayne County on January 1, 2003, and one more on January 1, 2005; and authorize two additional circuit court judgeships in Macomb County. The bills are tie-barred to each other and to Senate Bills 76, 786, and 825 and House Bill 5357, all of which would revise the number of judgeships in various courts throughout the State.

The proposed authorizations for additional circuit court judgeships would be subject to RJA requirements for county approval before an additional judgeship is filled by election. (Section 550 of the RJA provides that an additional circuit judgeship permitted by the RJA may not be authorized to be filled by election unless each county in the circuit approves the creation of that judgeship by a resolution adopted by the county board of commissioners. The county clerk must file a copy of the resolution with the State Court Administrator by 4:00 p.m. of the 16th Tuesday preceding the August primary for the election to fill the additional judgeship.)

The Seventh Judicial Circuit, which consists of Genesee County, currently has seven judges. Under Senate Bill 764 (S-1), the Seventh Circuit could have one additional judge effective January 1, 2003, and one more effective January 1, 2005, subject to Section 550. Genesee County currently has three probate judges. Under the bill, that county would have only two probate judges beginning at noon on January 1, 2005.

Oakland County currently has four probate judges, but is authorized under the RJA to have as many as five. Wayne County has nine probate judges, but is authorized to have up to 12. Under the bill, those counties would be authorized to have only their current number of probate judges.

The 68th Judicial District, which consists of the City of Flint, is a district of the third class and currently has six judges. Under the bill, the 68th District would have five judges beginning on the earlier of the following dates: 1) the date on which a vacancy occurred in the office of district judge in that district; or 2) the beginning date of a term for which an incumbent district judge in the 68th District no longer sought reelection to that office.

The Third Judicial Circuit, which consists of Wayne County, has 64 judges. (The Third Circuit formerly had 35 judges, but gained 29 when the former Detroit Recorder's Court was merged with the Third Circuit effective October 1, 1997.) Under Senate Bill 765 (S-1), beginning at noon on January 1, 2003, and until noon on January 1, 2005, the Third Circuit would have 62 judges. Beginning at noon on January 1, 2005, the Third Circuit would have 61 judges. The 16th Judicial Circuit, which consists of Macomb County, has nine judges. Under Senate

Bill 766 (S-1), the 16th Circuit could have two additional judges effective January 1, 2003, subject to Section 550. If two new judgeships were added to the 16th Circuit by election in 2002, the candidate receiving the highest number of votes in the November 2002 general election would be elected to an eight-year term.

MCL 600.508 et al. (S.B. 764)
600.504 (S.B. 765)
600.517 (S.B. 766)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Based on the 2002 salary of a circuit or probate judge, the State would incur the following annual costs for each new circuit or probate judgeship, or would realize the same amount of savings for each circuit or probate judgeship eliminated:

Salary	\$139,919
Social Security/Medicare	7,293
Defined Contribution Retirement	<u>9,794</u>
Total	\$157,006

Local costs would depend on the cost of fringe benefits for judges provided by the county, support staff costs, and whether additional office courtroom facilities would be necessary.

Savings to the State from the elimination of a district court judgeship, based on the 2002 salary of a district judge, would be as follows:

Salary	\$138,272
Social Security/Medicare	7,269
Defined Contribution Retirement	<u>9,679</u>
Total	\$155,220

Local cost savings would depend on the level of fringe benefits for judgeships provided by the local unit of government, support staff costs, and office/courtroom facility costs.

According to the Judicial Resources Recommendation of August 2001, the current 16th Circuit court facility can absorb space requirements for the new judgeships. The report also states that each circuit judge is provided with a secretary, court reporter, court clerk, and an assigned court officer from the sheriff's department.

Date Completed: 11-29-01

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.