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Senate Bills 764 through 766 (as introduced 10-23-01)  
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

Date Completed: 11-28-01

### **CONTENT**

**The bills would amend the Revised Judicature Act (RJA) to do all of the following:**

- Authorize one additional circuit court judgeship in Genesee County and eliminate one district court judgeship in the City of Flint.**
- Eliminate two circuit court judgeships in Wayne County on January 1, 2003, and two more on January 1, 2005.**
- Authorize two additional circuit court judgeships in Macomb County.**

The proposed authorization 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.)

### **Senate Bill 764**

The Seventh Judicial Circuit, which consists of Genesee County, currently has seven judges. Under the bill, subject to Section 550, the Seventh Circuit could have one additional judge effective January 1 of the year following the earliest general election that met both of the following conditions:

- It occurred after the date on which the number of judges in the 68th Judicial District was reduced from six to five.
- It was one for which a person seeking to be a candidate for the office of circuit judge in the Seventh Circuit could meet the filing deadlines necessary to have his or her name placed on the ballot for that office.

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:

- The date on which a vacancy occurred in the office of district judge in that district.
- The beginning date of a term for which an incumbent district judge in the 68th District no longer sought reelection to that office.

### **Senate Bill 765**

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 the bill, 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 60 judges.

### **Senate Bill 766**

The 16th Judicial Circuit, which consists of Macomb County, has nine judges. Under the bill, subject to Section 550, the 16th Circuit could have two additional judges effective January 1, 2003.

MCL 600.508 & 600.8134 (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 judge, the State would incur the following annual costs for each new circuit judgeship:

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.

### **Senate Bill 764**

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 from the bill 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.

### **Senate Bill 765**

Local savings would depend on the cost of fringe benefits for judges provided by the county, and support staff allocated to the judges.

### **Senate Bill 766**

According to the Judicial Resources Recommendation of August 2001, the current 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.

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.