

SENATE BILL No. 300

March 8, 2001, Introduced by Senator JAYE and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 8391, 8511, and 8512 (MCL 600.8391,
600.8511, and 600.8512), section 8511 as amended by 1999 PA 75
and section 8512 as amended by 1995 PA 54.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8391. (1) With the approval of the governing body of a
2 district control unit, the district court may establish within
3 the court a traffic bureau ~~which~~ THAT may be administered by
4 clerks or other personnel of the district court to accept, as
5 authorized by the judges of the district, admissions ~~for civil~~
6 ~~infractions under Act No. 300 of the Public Acts of 1949, as~~
7 ~~amended, being sections 257.1 to 257.923 of the Michigan Compiled~~
8 ~~Laws, or a local ordinance corresponding thereto, and to collect~~

1 civil fines and costs as prescribed by the judges of the district
 2 ~~—~~ FOR THE FOLLOWING CIVIL INFRACTIONS:

3 (A) CIVIL INFRACTIONS UNDER THE MICHIGAN VEHICLE CODE, 1949
 4 PA 300, MCL 257.1 TO 257.923, OR A CORRESPONDING LOCAL
 5 ORDINANCE.

6 (B) STATE CIVIL INFRACTIONS UNDER PART 801 OF THE NATURAL
 7 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
 8 324.80101 TO 324.80199H.

9 (2) Beginning August 1, 1979, a traffic bureau ESTABLISHED
 10 UNDER SUBSECTION (1) may also accept ~~pleas~~ A PLEA of guilty for
 11 ~~such~~ A traffic ~~offenses as~~ OFFENSE, authorized by the judges
 12 of the district, except for ~~violations~~ A VIOLATION of sections
 13 625, ~~625b~~, 626, 626b, and 904 of ~~Act No. 300 of the Public~~
 14 ~~Acts of 1949, as amended, or a local ordinance corresponding~~
 15 ~~thereto~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625,
 16 257.626, 257.626B, AND 257.904, OR A CORRESPONDING LOCAL
 17 ORDINANCE, and collect fines and costs as prescribed by the
 18 judges of the district, if the offense occurred before August 1,
 19 1979 and if the maximum permissible punishment for the offense at
 20 the time the offense was committed did not exceed 90 days in jail
 21 or a fine of not more than \$100.00, or both. ~~The~~

22 (3) SUBJECT TO SUPREME COURT SUPERVISION, THE presiding
 23 judge of ~~the~~ A district ~~, subject to the supervision of the~~
 24 ~~supreme court, shall have~~ HAS authority over the personnel OF A
 25 TRAFFIC BUREAU ESTABLISHED UNDER SUBSECTION (1) and SHALL deter-
 26 mine the location and number of traffic bureau offices IN THAT
 27 DISTRICT.

1 (4) ~~Appeals as of right may be taken from the~~ AN APPEAL
2 FROM A DECISION OF A traffic bureau ESTABLISHED UNDER SUBSECTION
3 (1) MAY BE TAKEN AS OF RIGHT to the district court. Appeals
4 shall be taken within 7 days after the entry of the civil infrac-
5 tion admission and shall be heard de novo.

6 Sec. 8511. A district court magistrate ~~shall have~~ HAS the
7 following jurisdiction and duties:

8 (a) To arraign and sentence upon pleas of guilty or nolo
9 contendere for violations of the following acts or parts of acts,
10 or a local ordinance substantially corresponding to these acts or
11 parts of acts, ~~when~~ IF authorized by the chief judge of the
12 district court and if the maximum permissible punishment does not
13 exceed 90 days in jail or a fine, or both:

14 (i) Part 487 of the natural resources and environmental pro-
15 tection act, 1994 PA 451, MCL 324.48701 to 324.48740.

16 (ii) Part 401 of the natural resources and environmental
17 protection act, 1994 PA 451, MCL 324.40101 to 324.40119.

18 (iii) Part 801 of the natural resources and environmental
19 protection act, 1994 PA 451, MCL 324.80101 to ~~324.80199~~
20 324.80199H, EXCEPT FOR A VIOLATION OF SECTION 80171(1) AND (3) OF
21 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
22 451, MCL 324.80171. HOWEVER, THE MAGISTRATE MAY ARRAIGN A
23 DEFENDANT AND SET BOND FOR A VIOLATION OF SECTION 80171(1) AND
24 (3) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
25 1994 PA 451, MCL 324.80171.

26 (iv) The motor carrier act, 1933 PA 254, MCL 475.1 to
27 479.43.

1 (v) Motor carrier safety act of 1963, 1963 PA 181,
2 MCL 480.11 to 480.22.

3 (vi) Dog law of 1919, 1919 PA 339, MCL 287.261 to 287.290.

4 (vii) Section 703 or 915 of the Michigan liquor control code
5 of 1998, 1998 PA 58, MCL 436.1703 and 436.1915.

6 (viii) Part 5 of the natural resources and environmental
7 protection act, 1994 PA 451, MCL 324.501 to 324.511.

8 (ix) Part 89 of the natural resources and environmental pro-
9 tection act, 1994 PA 451, MCL 324.8901 to 324.8907.

10 (x) Part 435 of the natural resources and environmental pro-
11 tection act, 1994 PA 451, MCL 324.43501 to 324.43561.

12 (xi) Part 731 of the natural resources and environmental
13 protection act, 1994 PA 451, MCL 324.73101 to 324.73111.

14 (xii) Chapter LXXXV of the Michigan penal code, 1931 PA 328,
15 MCL 750.546 to 750.552b.

16 (b) To arraign and sentence upon pleas of guilty or nolo
17 contendere for violations of the Michigan vehicle code, 1949
18 PA 300, MCL 257.1 to 257.923, or a local ordinance substantially
19 corresponding to a provision of the Michigan vehicle code, 1949
20 PA 300, MCL 257.1 to 257.923, except for violations of
21 sections 625 and 625m of the Michigan vehicle code, 1949 PA 300,
22 MCL 257.625 and 257.625m, or a local ordinance substantially cor-
23 responding to section 625 or 625m of the Michigan vehicle code,
24 1949 PA 300, MCL 257.625 and 257.625m, when authorized by the
25 chief judge of the district court and if the maximum permissible
26 punishment does not exceed 93 days in jail or a fine, or both.
27 However, the magistrate may have the jurisdiction to arraign

1 defendants and set bond with regard to violations of sections 625
2 and 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625
3 and 257.625m, or a local ordinance substantially corresponding to
4 section 625 or 625m of the Michigan vehicle code, 1949 PA 300,
5 MCL 257.625 and 257.625m.

6 (c) To arraign and sentence upon pleas of guilty or nolo
7 contendere for violations of part 811 or 821 of the natural
8 resources and environmental protection act, 1994 PA 451, MCL
9 324.81101 to 324.81150 and 324.82101 to 324.82160, or a local
10 ordinance substantially corresponding to a provision of part 811
11 or 821 of the natural resources and environmental protection act,
12 1994 PA 451, MCL 324.81101 to 324.81150 and 324.82101 to
13 324.82160, except for violations of sections 81134, 81135, 82128,
14 and 82129 of the natural resources and environmental protection
15 act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128, and
16 324.82129, or a local ordinance substantially corresponding to
17 sections 81134, 81135, 82128, and 82129 of the natural resources
18 and environmental protection act, 1994 PA 451, MCL 324.81134,
19 324.81135, 324.82128, and 324.82129, when authorized by the chief
20 judge of the district court and if the maximum permissible pun-
21 ishment does not exceed 93 days in jail or a fine, or both.
22 However, the magistrate may have the jurisdiction to arraign
23 defendants and set bond with regard to violations of
24 sections 81134, 81135, 82128, and 82129 of the natural resources
25 and environmental protection act, 1994 PA 451, MCL 324.81134,
26 324.81135, 324.82128, and 324.82129.

1 (d) To issue ~~warrants~~ A WARRANT for the arrest of a person
2 upon the written authorization of the prosecuting or municipal
3 attorney, except written authorization ~~shall not be~~ IS NOT
4 required for a vehicle law or ordinance violation within the
5 jurisdiction of the magistrate if a police officer issued a traf-
6 fic citation pursuant to section 728 of the Michigan vehicle
7 code, 1949 PA 300, MCL 257.728, and the defendant failed to
8 appear.

9 (e) To fix bail and accept bond in all cases.

10 (f) To issue ~~search warrants, when~~ A SEARCH WARRANT, IF
11 authorized to do so by a district court judge.

12 Sec. 8512. (1) A district court magistrate may hear and
13 preside over civil infraction admissions and admissions with
14 explanation and conduct informal hearings in civil infraction
15 actions pursuant to section 746 of the Michigan vehicle code,
16 ~~Act No. 300 of the Public Acts of 1949, being section 257.746 of~~
17 ~~the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.746, section
18 8719, or section 8819, as applicable. In exercising the author-
19 ity conferred by this subsection, the magistrate may administer
20 oaths, examine witnesses, and make findings of fact and conclu-
21 sions of law. If the defendant is determined to be responsible
22 for a civil infraction, the magistrate may impose the civil sanc-
23 tions authorized by section 907 of ~~Act No. 300 of the Public~~
24 ~~Acts of 1949, being section 257.907 of the Michigan Compiled~~
25 ~~Laws~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.907, sec-
26 tion 8727, or section 8827, as applicable.

1 (2) A district court magistrate shall not conduct an
2 informal hearing in a civil infraction action involving a traffic
3 or parking violation governed by ~~Act No. 300 of the Public Acts~~
4 ~~of 1949, being sections 257.1 to 257.923 of the Michigan Compiled~~
5 ~~Laws~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO
6 257.923, until he or she has successfully completed a special
7 training course in traffic law adjudication and sanctions. ~~The~~
8 ~~course shall be given periodically by the~~

9 (3) A DISTRICT COURT MAGISTRATE SHALL NOT CONDUCT AN INFOR-
10 MAL HEARING IN A STATE CIVIL INFRACTION ACTION INVOLVING A VIOLA-
11 TION OF PART 801 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PRO-
12 TECTION ACT, 1994 PA 451, MCL 324.80101 TO 324.80199H, UNTIL HE
13 OR SHE HAS SUCCESSFULLY COMPLETED A SPECIAL TRAINING COURSE IN
14 MARINE LAW ADJUDICATIONS AND SANCTIONS.

15 (4) THE state court administrator SHALL PERIODICALLY PROVIDE
16 A SPECIAL TRAINING COURSE IN TRAFFIC AND MARINE LAW ADJUDICATIONS
17 AND SANCTIONS FOR DISTRICT COURT MAGISTRATES.

18 (5) ~~-(3)-~~ A district court magistrate may exercise the
19 authority conferred by this section only to the extent expressly
20 authorized by the chief judge, presiding judge, or only judge of
21 the district court district.

22 Enacting section 1. This amendatory act takes effect April
23 1, 2002.

24 Enacting section 2. This amendatory act does not take
25 effect unless all of the following bills of the 91st Legislature
26 are enacted into law:

- 1 (a) Senate Bill No. 299.
- 2
- 3 (b) Senate Bill No. 301.
- 4
- 5 (c) Senate Bill No. 302.
- 6
- 7 (d) Senate Bill No. 303.
- 8
- 9 (e) Senate Bill No. 304.
- 10
- 11 (f) Senate Bill No. 305.
- 12
- 13 (g) Senate Bill No. 306.
- 14
- 15 (h) Senate Bill No. 307.
- 16