

**SUBSTITUTE FOR  
HOUSE BILL NO. 5337**

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 504, 517, 518, 549g, 803, and 8142 (MCL  
600.504, 600.517, 600.518, 600.549g, 600.803, and 600.8142),  
sections 504, 517, and 803 as amended by 2002 PA 715, section 518  
as amended by 2001 PA 256, and section 549g as added by 1981 PA  
182.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 504. ~~(1)~~ The third judicial circuit consists of the  
2 county of Wayne and has ~~the following number of~~ 63 judges. ~~—~~  
3       ~~(a) Until 12 noon, January 1, 2003, 64 judges.~~  
4       ~~(b) Beginning 12 noon, January 1, 2003, 63 judges; however,~~  
5 ~~if, after 12 noon, January 1, 2003, a vacancy occurs in a~~  
6 ~~judgeship held by an incumbent judge of this circuit who would be~~  
7 ~~ineligible to seek reelection to that office in 2004, that~~

1 ~~judgeship is eliminated unless the total number of judgeships in~~  
 2 ~~this circuit has been reduced to 61 before that vacancy~~  
 3 ~~occurred.~~

4 ~~—— (c) Beginning 12 noon, January 1, 2005, 61 judges.~~

5       Sec. 517. The sixteenth judicial circuit consists of the  
 6 county of Macomb and has ~~9~~ **11** judges. Subject to section 550,  
 7 this circuit may have ~~2~~ additional judges effective January 1,  
 8 ~~2003, and~~ 1 additional judge effective January 1, 2005. ~~If 2~~  
 9 ~~new offices of judge are added to this circuit by election in~~  
 10 ~~2002, the candidate receiving the highest number of votes in the~~  
 11 ~~November 2002 general election shall be elected for a term of 8~~  
 12 ~~years, and the candidate receiving the second highest number of~~  
 13 ~~votes shall be elected for a term of 6 years.~~ If a new office of  
 14 judge is added to this circuit by election in 2004, the term of  
 15 office of that judgeship for that election only shall be 8  
 16 years. **Subject to section 550, this circuit may have another**  
 17 **additional judge effective January 1, 2007.**

18       Sec. 518. The seventeenth judicial circuit consists of the  
 19 county of Kent and has ~~7~~ **9** judges. Subject to section 550,  
 20 this judicial circuit may have ~~2~~ **1** additional ~~judges~~ **judge**  
 21 effective January 1, ~~2003~~ **2007**.

22       Sec. 549g. ~~If the county of Isabella approves the~~  
 23 ~~reformation of the twenty-first judicial circuit pursuant to law~~  
 24 ~~and the counties of Clare and Gladwin approve the creation of the~~  
 25 ~~fifty-fifth judicial circuit pursuant to law, the~~ **The**  
 26 **fifty-fifth judicial circuit consists of the counties of Clare**  
 27 **and Gladwin and has 1 judge. effective January 1, 1982. Subject**

1 to section 550, this judicial circuit may have 1 additional judge  
2 effective January 1, 2005.

3 Sec. 803. (1) Except as otherwise provided in this section,  
4 each county ~~which~~ **that** is not part of a probate court district  
5 created pursuant to sections 808 to 810 or previously created  
6 pursuant to law shall have ~~at least~~ 1 judge of probate.

7 (2) Each probate court district created pursuant to law shall  
8 have 1 judge of probate.

9 (3) The counties of Berrien, Calhoun, Ingham, Monroe,  
10 Muskegon, Saginaw, St. Clair, and Washtenaw shall each have 2  
11 judges of probate.

12 (4) Until 12 noon, January 1, 2005, the county of Genesee  
13 shall have 3 judges of probate; however, if, after 12 noon,  
14 January 1, 2003, a vacancy occurs in the judgeship held by the  
15 incumbent probate judge in Genesee county whose term of office  
16 expires January 1, 2005 and who would be ineligible to seek  
17 reelection to that office in 2004, that probate judgeship is  
18 eliminated effective 12 noon, January 1, 2005. Beginning  
19 12 noon, January 1, 2005, the county of Genesee shall have  
20 2 judges of probate.

21 (5) Until 12 noon, January 1, 2005, the county of Macomb  
22 shall have 3 judges of probate; however, if the incumbent probate  
23 judge in Macomb county whose term of office as probate judge  
24 expires on January 1, 2005 is elected in 2002 to the office of  
25 circuit judge in the sixteenth judicial circuit for a term  
26 beginning January 1, 2003, that probate judgeship is eliminated  
27 effective 12 noon, January 1, 2005. Beginning 12 noon,

1 January 1, 2005, the county of Macomb shall have 2 judges of  
2 probate.

3 (6) The county of Kalamazoo shall have 3 judges of probate.

4 (7) The county of Kent shall have 4 judges of probate.

5 (8) The county of Oakland shall have 4 judges of probate.

6 (9) The county of Wayne shall have ~~the following number of~~  
7 **9** judges of probate. ~~→~~

8 ~~—— (a) Until subdivision (b) takes effect, the county of Wayne~~  
9 ~~shall have 9 judges of probate.~~

10 ~~—— (b) The county of Wayne shall have 8 judges of probate~~  
11 ~~beginning on the earliest of the following dates:~~

12 ~~—— (i) Upon the occurrence of a vacancy in a judgeship held by~~  
13 ~~an incumbent probate judge in Wayne county whose term expires on~~  
14 ~~January 1, 2005, and who would be ineligible to seek reelection~~  
15 ~~to that office in 2004.~~

16 ~~—— (ii) Upon the expiration of the term of an incumbent probate~~  
17 ~~judge who is not eligible to seek reelection to that office.~~

18 (10) When 1 or more new judges of probate are authorized in a  
19 county pursuant to this section, the new judgeship or judgeships  
20 shall appear on the ballot separate and apart from other judicial  
21 offices of the same court in the primary and general election.

22 Sec. 8142. (1) ~~The~~ **Except as provided in subsection (2),**  
23 **the** seventy-seventh district consists of the counties of Mecosta  
24 and Osceola, is a district of the first class, and has 1 judge.

25 (2) **Subject to section 8175, effective January 1, 2005, the**  
26 **seventy-seventh district consists of the counties of Mecosta and**  
27 **Osceola, is a district of the first class, and is divided into**

1 the following election divisions:

2       (a) The first division consists of the county of Mecosta and  
3 has 1 judge.

4       (b) The second division consists of the county of Osceola and  
5 has 1 judge.

6       Enacting section 1. If the new judgeship in the  
7 seventy-seventh district authorized by this amendatory act is  
8 approved as provided by law, the election for that judgeship  
9 shall take place in Osceola county.