

HOUSE BILL No. 4661

May 8, 2003, Introduced by Reps. Caswell, Milosch, Drolet, Nitz, Acciavatti, Emmons, Tabor, Casperson, Pastor, LaJoy, Voorhees, Robertson, Hager, Hart, Stahl, Newell, Brandenburg, Hummel, Nofs and Palmer and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8511 (MCL 600.8511), as amended by 1999 PA
75, and by adding section 8511a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8511. A district court magistrate ~~shall have~~ **who is**
2 **not admitted to the practice of law in this state has the**
3 following ~~jurisdiction~~ **power, authority,** and duties:

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

10 (i) Part 487 of the natural resources and environmental

1 protection act, 1994 PA 451, MCL 324.48701 to 324.48740.

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

4 (iii) Part 801 of the natural resources and environmental
5 protection act, 1994 PA 451, MCL 324.80101 to 324.80199.

6 (iv) The motor carrier act, 1933 PA 254, MCL 475.1 to
7 479.43.

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

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

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

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

15 (ix) Part 89 of the natural resources and environmental
16 protection act, 1994 PA 451, MCL 324.8901 to 324.8907.

17 (x) Part 435 of the natural resources and environmental
18 protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

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

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

23 (b) To arraign and sentence upon pleas of guilty or nolo
24 contendere for violations of the Michigan vehicle code, 1949
25 PA 300, MCL 257.1 to 257.923, or a local ordinance substantially
26 corresponding to a provision of the Michigan vehicle code, 1949
27 PA 300, MCL 257.1 to 257.923, except for violations of

1 sections 625 and 625m of the Michigan vehicle code, 1949 PA 300,
2 MCL 257.625 and 257.625m, or a local ordinance substantially
3 corresponding to section 625 or 625m of the Michigan vehicle
4 code, 1949 PA 300, MCL 257.625 and 257.625m, when authorized by
5 the chief judge of the district court and if the maximum
6 permissible punishment does not exceed 93 days in jail or a fine,
7 or both. However, the magistrate may ~~have the jurisdiction to~~
8 arraign defendants and set bond with regard to violations of
9 sections 625 and 625m of the Michigan vehicle code, 1949 PA 300,
10 MCL 257.625 and 257.625m, or a local ordinance substantially
11 corresponding to section 625 or 625m of the Michigan vehicle
12 code, 1949 PA 300, MCL 257.625 and 257.625m.

13 (c) To arraign and sentence upon pleas of guilty or nolo
14 contendere for violations of part 811 or 821 of the natural
15 resources and environmental protection act, 1994 PA 451, MCL
16 324.81101 to 324.81150 and 324.82101 to 324.82160, or a local
17 ordinance substantially corresponding to a provision of part 811
18 or 821 of the natural resources and environmental protection act,
19 1994 PA 451, MCL 324.81101 to 324.81150 and 324.82101 to
20 324.82160, except for violations of sections 81134, 81135, 82128,
21 and 82129 of the natural resources and environmental protection
22 act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128, and
23 324.82129, or a local ordinance substantially corresponding to
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, when authorized by the chief
27 judge of the district court and if the maximum permissible

1 punishment does not exceed 93 days in jail or a fine, or both.
2 However, the magistrate may ~~have the jurisdiction to~~ arraign
3 defendants and set bond with regard to violations of
4 sections 81134, 81135, 82128, and 82129 of the natural resources
5 and environmental protection act, 1994 PA 451, MCL 324.81134,
6 324.81135, 324.82128, and 324.82129.

7 (d) To issue warrants for the arrest of a person upon the
8 written authorization of the prosecuting or municipal attorney,
9 except written authorization shall not be required for a vehicle
10 law or ordinance violation within the jurisdiction of the
11 magistrate if a police officer issued a traffic citation pursuant
12 to section 728 of the Michigan vehicle code, 1949 PA 300,
13 MCL 257.728, and the defendant failed to appear.

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

15 (f) To issue search warrants, when authorized to do so by a
16 district court judge.

17 **Sec. 8511a. (1) Except as provided in subsection (2), a**
18 **district court magistrate who is admitted to the practice of law**
19 **in this state has all of the powers, authority, and duties**
20 **described in section 8511 and also has the power and authority to**
21 **arraign and sentence upon a plea of guilty or nolo contendere for**
22 **any violation of state law or violation of a local ordinance**
23 **substantially corresponding to a state law, if authorized by the**
24 **chief judge of the district court and if the maximum possible**
25 **term of imprisonment for the violation does not exceed 93 days.**

26 (2) Subsection (1) does not apply to the following
27 violations:

1 (a) A violation of section 625 or 625m of the Michigan
2 vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local
3 ordinance substantially corresponding to section 625 or 625m of
4 the Michigan vehicle code, 1949 PA 300, MCL 257.625 and
5 257.625m. However, the magistrate may arraign defendants and set
6 bond with regard to a violation of section 625 or 625m of the
7 Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or
8 a local ordinance substantially corresponding to section 625 or
9 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and
10 257.625m.

11 (b) A violation of section 81134, 81135, 82128, or 82129 of
12 the natural resources and environmental protection act, 1994 PA
13 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129, or a
14 local ordinance substantially corresponding to section 81134,
15 81135, 82128, or 82129 of the natural resources and environmental
16 protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128,
17 and 324.82129. However, the magistrate may arraign defendants
18 and set bond with regard to violations of section 81134, 81135,
19 82128, or 82129 of the natural resources and environmental
20 protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128,
21 and 324.82129.

22 (c) Chapter IX of the Michigan penal code, 1931 PA 328, MCL
23 750.81 to 750.90g, having to do with assaults.

24 (d) A violation of any of the following, having to do with
25 firearms:

26 (i) 1927 PA 372, MCL 28.421 to 28.435.

27 (ii) The explosives act of 1970, 1970 PA 202, MCL 29.41 to

1 29.55.

2 (iii) The Michigan penal code, 1931 PA 328, MCL 750.1 to
3 750.568, if the violation involved a firearm or other dangerous
4 weapon.

5 (iv) 1952 PA 10, MCL 752.841 to 752.845.