

HOUSE BILL No. 5337

December 3, 2003, Introduced by Rep. Howell and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 504, 517, 518, 542, 549g, 803, 810a, 8117,
8142, 8162, and 8163 (MCL 600.504, 600.517, 600.518, 600.542,
600.549g, 600.803, 600.810a, 600.8117, 600.8142, 600.8162, and
600.8163), sections 504, 517, 803, and 810a as amended by 2002 PA
715, section 518 as amended by 2001 PA 256, section 542 as
amended by 1984 PA 95, section 549g as added by 1981 PA 182, and
section 8117 as amended by 1997 PA 161.

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 judges:

3 (a) Until 12 noon, January 1, ~~—2003—~~ 2005, ~~—64—~~ 63 judges.

4 ~~—(b) Beginning 12 noon, January 1, 2003, 63 judges; however~~

5 **However**, if ~~—, after 12 noon, January 1, 2003,—~~ a vacancy occurs

1 in a judgeship held by an incumbent judge of this circuit who
 2 would be ineligible to seek reelection to that office in **the**
 3 **November 2004 general election**, that judgeship is eliminated
 4 ~~unless the total number of judgeships in this circuit has been~~
 5 ~~reduced to 61 before that vacancy occurred~~ **and this circuit**
 6 **shall have 62 judges.**

7 **(b)** ~~-(c)-~~ Beginning 12 noon, January 1, 2005, ~~61~~ **62**
 8 judges.

9 Sec. 517. The sixteenth judicial circuit consists of the
 10 county of Macomb and has ~~9~~ **11** judges. Subject to section 550,
 11 this circuit may have ~~2 additional judges effective January 1,~~
 12 ~~2003, and~~ 1 additional judge effective January 1, 2005. ~~If 2~~
 13 ~~new offices of judge are added to this circuit by election in~~
 14 ~~2002, the candidate receiving the highest number of votes in the~~
 15 ~~November 2002 general election shall be elected for a term of 8~~
 16 ~~years, and the candidate receiving the second highest number of~~
 17 ~~votes shall be elected for a term of 6 years.~~ If ~~a~~ **only 1** new
 18 office of judge is added to this circuit by election in 2004, the
 19 term of office of that judgeship for that election only shall be
 20 8 years. **Subject to section 550, this circuit may have 1**
 21 **additional judge effective January 1, 2005. If 2 new offices of**
 22 **judge are added to this circuit by election in 2004, the**
 23 **candidate receiving the highest number of votes in the November**
 24 **2004 general election shall be elected for a term of 8 years for**
 25 **that election only, and the candidate receiving the second**
 26 **highest number of votes shall be elected for a term of 6 years.**

27 Sec. 518. The seventeenth judicial circuit consists of the

1 county of Kent and has ~~7~~ **9** judges. Subject to section 550,
 2 this judicial circuit may have ~~2~~ **1** additional ~~judges~~ **judge**
 3 effective January 1, ~~2003~~ **2005**.

4 Sec. 542. (1) ~~The~~ **Except as provided in subsection (2),**
 5 **the** forty-first judicial circuit consists of the counties of
 6 Dickinson, Iron, and Menominee and has ~~1 judge. Subject to~~
 7 ~~section 550, this circuit may have 1 additional judge effective~~
 8 ~~January 1, 1985.~~ **2 judges.**

9 (2) The forty-first judicial circuit shall have 1 judge on
 10 the earlier of the following dates:

11 (a) The date on which a vacancy occurs in the office of
 12 circuit judge in this judicial circuit.

13 (b) The beginning date of the term for which an incumbent
 14 circuit judge in this judicial circuit no longer seeks reelection
 15 to that office.

16 Sec. 549g. ~~If the county of Isabella approves the~~
 17 ~~reformation of the twenty-first judicial circuit pursuant to law~~
 18 ~~and the counties of Clare and Gladwin approve the creation of the~~
 19 ~~fifty-fifth judicial circuit pursuant to law, the~~ **The**
 20 fifty-fifth judicial circuit consists of the counties of Clare
 21 and Gladwin and has 1 judge. ~~effective January 1, 1982. Subject~~
 22 **to section 550, this judicial circuit may have 1 additional judge**
 23 **effective January 1, 2005.**

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

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

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

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

15 (5) Until 12 noon, January 1, 2005, the county of Macomb
16 shall have 3 judges of probate; however, if the incumbent probate
17 judge in Macomb county whose term of office as probate judge
18 expires on January 1, 2005 is elected in 2002 to the office of
19 circuit judge in the sixteenth judicial circuit for a term
20 beginning January 1, 2003, that probate judgeship is eliminated
21 effective 12 noon, January 1, 2005. Beginning 12 noon, January
22 1, 2005, the county of Macomb shall have 2 judges of probate.

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

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

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

26 (9) The county of Wayne shall have the following number of
27 judges of probate:

1 (a) Until ~~subdivision (b) takes~~ **subdivisions (b) and (c)**
 2 **take** effect, the county of Wayne shall have 9 judges of probate.

3 (b) The county of Wayne shall have 8 judges of probate
 4 beginning on the earliest of the following dates:

5 (i) Upon the occurrence of a vacancy in a judgeship held by
 6 an incumbent probate judge in Wayne county whose term expires on
 7 January 1, 2005 ~~—~~ **or January 1, 2007** and who would be
 8 ineligible to seek reelection to that office. ~~in 2004.~~

9 (ii) Upon the expiration of the term of an incumbent probate
 10 judge who is not eligible to seek reelection to that office.

11 (c) The county of Wayne shall have 7 judges of probate
 12 beginning on the earliest of the following dates:

13 (i) Upon the occurrence of a vacancy in a judgeship held by
 14 an incumbent probate judge in Wayne county whose term expires on
 15 January 1, 2005 or January 1, 2007 and who would be ineligible to
 16 seek reelection to that office if the total number of judgeships
 17 has been reduced to 8 before that vacancy occurred.

18 (ii) Upon the expiration of the term of an incumbent probate
 19 judge who is not eligible to seek reelection to that office if
 20 the total number of judgeships has been reduced to 8 before that
 21 term expired.

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

26 Sec. 810a. (1) The probate judges in the counties of
 27 Arenac, Kalkaska, Crawford, ~~and~~ Lake, **and Iron** have the power,

1 authority, and title of a district judge within their respective
2 counties, in addition to the power, authority, and title of a
3 probate judge.

4 (2) Effective January 2, 2005, the probate judges in the
5 counties of Alcona, Missaukee, Montmorency, and Presque Isle have
6 the power, authority, and title of a district judge within their
7 respective counties, in addition to the power, authority, and
8 title of a probate judge.

9 (3) Effective January 2, 2007, the probate judges in the
10 counties of Benzie and Oscoda have the power, authority, and
11 title of a district judge within their respective counties, in
12 addition to the power, authority, and title of a probate judge.

13 (4) If the second probate court district has not been created
14 pursuant to section 807(b), the probate judges in the counties of
15 Gogebic and Ontonagon have the power, authority, and title of a
16 district judge within their respective counties, in addition to
17 the power, authority, and title of a probate judge on the date
18 the district judgeship in the ninety-eighth district is
19 eliminated pursuant to section 8163(2).

20 (5) If the first probate court district has not been created
21 pursuant to section 807(a), the probate judges in the counties of
22 Baraga, Houghton, and Keweenaw have the power, authority, and
23 title of a district judge within their respective counties, in
24 addition to the power, authority, and title of a probate judge on
25 the date the district judgeship in the ninety-seventh district is
26 eliminated pursuant to section 8162(2).

27 Sec. 8117. ~~-(1) Except as provided in subsection (3), the~~

~~1 eighth district consists of the county of Kalamazoo except the~~
~~2 cities of Kalamazoo and Portage, is a district of the second~~
~~3 class, and has 2 judges.~~

~~4 ——— (2) Except as provided in subsection (3), the ninth district~~
~~5 consists of the cities of Kalamazoo and Portage, is a district of~~
~~6 the third class, and is divided into the following election~~
~~7 divisions:~~

~~8 ——— (a) The first division consists of the city of Kalamazoo and~~
~~9 has 4 judges.~~

~~10 ——— (b) The second division consists of the city of Portage and~~
~~11 has 1 judge.~~

~~12 ——— (3) Effective January 1, 1999, if the county of Kalamazoo,~~
~~13 the city of Portage, and the city of Kalamazoo have approved the~~
~~14 reformation of the eighth district pursuant to law, the~~ **The**
~~15 eighth district consists of the county of Kalamazoo, is a~~
~~16 district of the first class, and has 7 judges, and is divided~~
~~17 into 3 election divisions, as follows:~~

~~18 (a) The first division consists of the city of Kalamazoo and~~
~~19 has 4 judges.~~ **the following number of judges:**

~~20 (i) Until subparagraph (ii) takes effect, this election~~
~~21 division has 4 judges.~~

~~22 (ii) This election division has 3 judges beginning on the~~
~~23 earlier of the following dates:~~

~~24 (A) The date on which a vacancy occurs in the office of~~
~~25 district judge in this election division.~~

~~26 (B) The beginning date of the term for which an incumbent~~
~~27 district judge in this election division no longer seeks~~

1 reelection to that office.

2 (b) The second division consists of the city of Portage and
3 has 1 judge.

4 (c) The third division consists of the county of Kalamazoo
5 except the cities of Kalamazoo and Portage and has 2 judges.

6 Sec. 8142. The seventy-seventh district consists of the
7 counties of Mecosta and Osceola, is a district of the first class
8 and has 1 judge. **Subject to section 8175, this district may have**
9 **1 additional judge effective January 1, 2005.**

10 Sec. 8162. (1) ~~The~~ **Except as provided in subsection (2),**
11 **the** ninety-seventh district consists of the counties of Houghton,
12 Keweenaw and Baraga, is a district of the first class and has 1
13 judge.

14 (2) **If the first probate court district has not been created**
15 **pursuant to section 807(a), the judgeship in this district is**
16 **eliminated on the earlier of the following dates:**

17 (a) **The date on which a vacancy occurs in the office of**
18 **district judge in this district.**

19 (b) **The beginning date of the term for which the incumbent**
20 **district judge in this district no longer seeks reelection to**
21 **that office.**

22 Sec. 8163. (1) ~~The~~ **Except as provided in subsection (2),**
23 **the** ninety-eighth district consists of the counties of Ontonagon
24 and Gogebic, is a district of the first class and has 1 judge.

25 (2) **If the second probate court district has not been created**
26 **pursuant to section 807(b), the judgeship in this district is**
27 **eliminated on the earlier of the following dates:**

1 (a) The date on which a vacancy occurs in the office of
2 district judge in this district.

3 (b) The beginning date of the term for which the incumbent
4 district judge in this district no longer seeks reelection to
5 that office.