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BILL ANALYSIS

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Senate Bill 448 (as reported by the Committee of the Whole)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to make various changes relating to the operation and administration of Michigan courts. The bill would do all of the following:

- Allow a plan of concurrent jurisdiction to provide that probate judges in certain counties would have the jurisdiction, powers, and duties of a district judge.
- Revise the per-day salary of a retired judge assigned to active judicial service.
- Allow the destruction of civil infraction records three years, rather than six years, after entry of a finding in an action.
- Allow a nonresident of Michigan, who was issued a citation for a civil infraction, to leave a monetary deposit with the court or the officer who issued the citation.
- Provide for the rounding of probate court estate administration fees.
- Authorize Department of Natural Resources conservation officers to serve civil process in any district court action to which the State was a party.
- Revise provisions pertaining to the bonding of district court magistrates; actuarial reports concerning the retirement for 36th District Court bailiffs; and the location of a Court of Appeals judge.
- Provide that a court reporter or court recorder would hold office at the pleasure of the chief judge of the court to which he or she was appointed, rather than at the pleasure of the Governor, and delete language pertaining to the suspension of a court reporter or recorder for incompetence or misconduct.

The bill also would repeal several sections that provide for the assignment of a "senior judge" to certain nonjury civil actions (MCL 600.557-600.557b); and a section that requires magistrates to maintain a docket on forms approved by the Supreme Court and submit reports relative to caseload and activity in a manner and form prescribed by the Supreme Court (MCL 600.8555).

MCL 600.226 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

The bill could potentially increase the collection of fines and costs ordered for civil infractions by allowing an out-of-State resident to deposit up to \$100 with a law enforcement officer. By encouraging violators to pay something up front, the bill would enable courts to collect a portion of fines and costs, which currently often go unpaid when non-Michigan residents fail to appear in court.

By changing the formula for calculating the salary of a visiting judge, the bill would increase costs for local court funding units. Currently, the local government pays a retired judge the difference between 1/250th of the annual salary for that office and 1/250th of the judge's State retirement allowance. In almost all cases, this salary calculation is likely to be the greater of the formula's two possibilities, the other being a flat \$100 per day. For example, 1/250th of a 2005 circuit court judge's salary is approximately \$560. According to the State Court Administrative Office, for a circuit court judge who retired in 2004 with 16 years of service, 1/250th of his or her State retirement allowance equals almost \$270. Thus, the daily cost of a visiting judge in this scenario currently would be \$290; while under the proposed revision the daily cost instead would be the full \$560. The actual cost increases are impossible to calculate because the State retirement allowance for each judge varies based on salary at retirement as well as number of years of service.

By allowing courts to dispose of civil infraction documents after three years instead of six years, the bill could save local court funding units administrative and storage costs.

Date Completed: 11-9-05

Fiscal Analyst: Stephanie Yu

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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.