

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 448

(As amended December 7, 2005)

[A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 303d, 321, 410, 601, 810, 841, 859, 871, 1701,
8321, 8322, 8331, 8344, and 8507 (MCL 600.303d, 600.321, 600.410,
600.601, 600.810, 600.841, 600.859, 600.871, 600.1701, 600.8321,
600.8322, 600.8331, 600.8344, and 600.8507), section 303d as amended by
2004 PA 448, section 321 as amended by 2005 PA 151, section 410 as added
and sections 601 and 841 as amended by 2002 PA 678, sections 859 and 8331
as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section
8322 as amended by 1996 PA 388, section 8344 as amended by 1992 PA 192,
and section 8507 as amended by 1994 PA 5, and by adding sections 411 and
8808; and to repeal acts and parts of acts.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 303d. (1) To effectuate the transition from 3 districts
2 having a total of 24 judges to 4 districts having a total of 28
3 judges, the following special provisions apply:

4 (a) The judgeship in district 1 filled on October 13, 1993 by
5 an incumbent whose term expires January 1, 1995 and who is not
6 eligible to seek reelection shall terminate January 1, 1995 and
7 shall not be filled by election in 1994.

8 (b) To provide 7 judges in districts 3 and 4:

9 (i) In district 3, 4 new judgeships shall be filled by election
10 in 1994. The candidate receiving the highest number of votes is
11 elected for a term of 10 years, the candidates receiving the second
12 and third highest number of votes are elected for terms of 8 years
13 each, and the candidate receiving the fourth highest number of
14 votes is elected for a term of 6 years.

15 (ii) In district 4, 1 new judgeship shall be filled by election
16 in 1994. The candidate receiving the highest number of votes is
17 elected for a term of 6 years.

18 (2) A judge of the court of appeals who is elected or
19 appointed to a first term that begins on or after January 1, 1994
20 shall maintain offices only in the principal court of appeals
21 offices in the district in which he or she was elected **OR APPOINTED**
22 or in another office located in the ~~city~~ **MUNICIPALITY** where the
23 principal court of appeals facilities are located.

[Sec. 321. (1) The following fees shall be paid to the clerk of the
court of appeals and may be taxed as costs where costs are allowed by
order of the court:

(a) The sum of \$375.00 for an appeal as of right, for an
application for leave to appeal, or for an original proceeding. This fee
shall be paid only once for appeals that are taken by multiple parties
from the same lower court order or judgment and can be consolidated.

(b) Upon the entry of any motion except a motion described in
subdivision (c) upon the motion docket, the sum of \$100.00. Beginning
October 1, 2007, the fee required under this subdivision is \$75.00.

(c) Upon the entry of a motion for immediate consideration or a
motion to expedite appeal upon the motion docket, the sum of \$200.00.

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This fee shall be paid only once regardless of the number of lower court files involved in the appeal. A prosecuting attorney is exempt from paying a fee under this subdivision when filing a motion for immediate consideration or a motion to expedite appeal with regard to an appeal arising out of a criminal proceeding. Beginning October 1, 2007, the fee required under this subdivision is \$150.00.

(2) The clerk of the court of appeals shall be allowed the sum of 50 cents per page for certified copies of entries or papers in any action or proceedings when required for any other purpose than one connected with the progress or disposition of the action or proceeding.

(3) The clerk shall charge the sum of 50 cents per page for all uncertified copies of opinions, except those sent to 1 counsel representing each party in the case, for which no charge shall be made.

(4) If a person is unable to pay the fees required by this section, the person, by motion, accompanied by the person's affidavit stating facts showing that inability, may ask the court to waive the fees and the court or a judge of the court may waive payment of the fees.

(5) Each month the clerk of the court of appeals shall deposit with the state treasurer all fees collected, securing and filing a receipt for the fees deposited.

(6) Costs shall be awarded in the discretion of the court.

~~_____(7) Upon appeal to the court of appeals, there shall be paid to the clerk of the trial court the sum of \$10.00 as an appeal fee.]~~

24 Sec. 410. A plan of concurrent jurisdiction adopted under this

25 chapter shall not include a delegation of any of the following:

26 (a) A power of appointment to a public office delegated by

27 constitution or statute to the circuit court or a circuit judge.

1 (b) A power of appointment to a public office delegated by
2 constitution or statute to the probate court or a probate judge.

3 (c) ~~—A—~~ **EXCEPT AS PROVIDED IN SECTION 411, A** power of
4 appointment to a public office delegated by constitution or statute
5 to the district court or a district judge.

6 **SEC. 411. A PLAN OF CONCURRENT JURISDICTION MAY PROVIDE THAT A**
7 **PROBATE JUDGE OF A COUNTY DESCRIBED IN SECTION 810A HAS THE**
8 **JURISDICTION, POWERS, AND DUTIES OF A DISTRICT JUDGE WITHIN THAT**
9 **COUNTY, INCLUDING JURISDICTION OVER SMALL CLAIMS AND CIVIL**
10 **INFRACTION ACTIONS AND THE POWER OF APPOINTMENT TO A PUBLIC OFFICE**
11 **DELEGATED BY CONSTITUTION OR STATUTE TO THE DISTRICT JUDGE.**

12 Sec. 601. (1) The circuit court has the power and
13 jurisdiction:

14 (a) Possessed by courts of record at the common law, as
15 altered by the state constitution of 1963, the laws of this state,
16 and the rules of the supreme court.

17 (b) Possessed by courts and judges in chancery in England on
18 March 1, 1847, as altered by the state constitution of 1963, the
19 laws of this state, and the rules of the supreme court.

20 (c) Prescribed by the rules of the supreme court.

21 (2) The circuit court has exclusive jurisdiction over
22 condemnation cases commenced under the drain code of 1956, 1956 PA
23 40, MCL 280.1 to 280.630.

24 (3) In a judicial circuit in which the circuit court is
25 affected by a plan of concurrent jurisdiction adopted under chapter
26 4, the circuit court has concurrent jurisdiction with the probate
27 court or the district court, or both, as provided in the plan of

1 concurrent jurisdiction, except as to the following matters:

2 (a) The probate court ~~shall have~~ **HAS** exclusive jurisdiction
3 over trust and estate matters.

4 (b) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 411, THE** district
5 court ~~shall have~~ **HAS** exclusive jurisdiction over small claims and
6 civil infraction actions.

7 (4) The family division of circuit court has jurisdiction as
8 provided in chapter 10.

9 Sec. 810. Except when section 809 results in an earlier
10 effective date, a probate court district created under section 808
11 ~~shall become~~ **BECOMES** effective upon the ~~date of common expiration~~
12 ~~of the terms of the probate judges in the counties comprising the~~
13 ~~district which~~ **BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT**
14 **PROBATE JUDGE IN ANY COUNTY IN THE DISTRICT NO LONGER SEEKS**
15 **REELECTION TO THAT OFFICE THAT** occurs not less than 220 days after
16 the vote on the question. At the general election immediately
17 preceding that date, ~~of common expiration of terms,~~ 1 probate
18 judge for the district shall be elected as provided in section
19 808(5).

20 Sec. 841. (1) The probate court has jurisdiction and power as
21 follows:

22 (a) As conferred upon it under the estates and protected
23 individuals code, 1998 PA 386, MCL 700.1101 to 700.8102.

24 (b) As conferred upon it under the mental health code, 1974 PA
25 258, MCL 330.1001 to 330.2106.

26 (c) As conferred upon it under this act.

27 (d) As conferred upon it under another law or compact.

(2) In a judicial circuit in which the probate court is affected by a plan of concurrent jurisdiction adopted under chapter 4, the probate court has concurrent jurisdiction with the circuit court or the district court, or both, as provided in the plan of concurrent jurisdiction, except as to the following matters:

(a) The circuit court ~~shall have~~ **HAS** exclusive jurisdiction over appeals from the district court and from administrative agencies as authorized by law.

(b) The circuit court ~~shall have~~ **HAS** exclusive jurisdiction and power to issue, hear, and determine prerogative and remedial writs consistent with section 13 of article VI of the state constitution of 1963.

(c) The circuit court ~~shall have~~ **HAS** exclusive jurisdiction to hear and decide matters within the jurisdiction of the court of claims under chapter 64.

(d) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 411, THE** district court ~~shall have~~ **HAS** exclusive jurisdiction over small claims and civil infraction actions.

Sec. 859. (1) The following testimony before a probate judge shall be ~~taken by an official court reporter or by an official court recorder on a recording device approved by the state court administrator~~ **RECORDED:**

(a) Testimony in contested matters.

(b) Testimony in matters pertaining to the admission to a hospital or other facility for mentally ill or developmentally disabled persons.

(c) Testimony in matters pertaining to persons having a

1 contagious disease.

2 (d) Testimony in other matters if requested by an interested
3 party.

4 (e) Testimony and other proceedings required by supreme court
5 rule.

6 (2) In matters not governed by subsection (1), testimony
7 before a probate judge, probate register, or deputy probate
8 register may be given orally without a record being made of the
9 testimony.

10 (3) The ~~reporter or recorder~~ **COURT** shall keep sufficient
11 index of the testimony and the court shall keep the index and the
12 original notes for at least 10 years. The reporter or recorder need
13 not transcribe the testimony ~~—, except when~~ **UNLESS** a transcript is
14 ordered by the court or a party. Except in those cases in which the
15 testimony is transcribed and filed with the record of the case,
16 notes pertaining to a hearing for the admission of any person to a
17 hospital or other place of detention as a mentally ill or
18 developmentally disabled person or as a person with a contagious
19 disease ~~—~~ shall be destroyed only after the discharge of the
20 person from the hospital or facility.

21 (4) Notes may not be destroyed until after 10 years after the
22 date of the hearing or as provided in subsection (3), whichever is
23 longer.

24 Sec. 871. (1) In all decedents' estates in which proceedings
25 are instituted for probate, the probate court shall charge and
26 collect the following fees as an expense of administration on the
27 value of all assets, as of the date of death of the decedent, as

1 follows:

2 (a) In an estate of value of less than \$1,000.00, \$5.00 plus
3 1% of the amount over \$500.00.

4 (b) In an estate of value of \$1,000.00 or more, but less than
5 \$3,000.00, \$25.00.

6 (c) In an estate of value of \$3,000.00 or more but less than
7 \$10,000.00, \$25.00 plus 5/8 of 1% of the amount over \$3,000.00.

8 (d) In an estate of value of \$10,000.00 or more but less than
9 \$25,000.00, \$68.75 plus 1/2 of 1% of the amount over \$10,000.00.

10 (e) In an estate of value of \$25,000.00 but less than
11 \$50,000.00, \$143.75 plus 3/8 of 1% of the amount over \$25,000.00.

12 (f) In an estate of value of \$50,000.00 but less than
13 \$100,000.00, \$237.50 plus 1/4 of 1% of the amount over \$50,000.00.

14 (g) In an estate of value of \$100,000.00 to \$500,000.00,
15 \$362.50 plus 1/8 of 1% of the amount over \$100,000.00.

16 (h) For each additional \$100,000.00 value, or larger fraction
17 thereof, over \$500,000.00, \$62.50.

18 (i) For each additional \$100,000.00 value, or larger fraction
19 thereof, over \$1,000,000.00, \$31.25.

20 (2) The fees in subsection (1), **ROUNDED TO THE WHOLE DOLLAR**,
21 shall be due and payable to the probate court before the filing of
22 the final account or within 1 year after the commencement of
23 probate proceedings, whichever occurs first. A final accounting
24 shall not be accepted by the probate court until the fees are paid
25 in full and shown as part of the final accounting. An official
26 receipt shall be issued to the payer when the fees are collected.

27 Sec. 1701. The supreme court, circuit ~~courts~~ **COURT**, and all

1 other courts of record, have power to punish by fine or
2 imprisonment, or both, persons guilty of any neglect or violation
3 of duty or misconduct in all of the following cases:

4 (a) Disorderly, contemptuous, or insolent behavior, committed
5 during its sitting, in its immediate view and presence, and
6 directly tending to interrupt its proceedings or impair the respect
7 due to its authority.

8 (b) Any breach of the peace, noise, or disturbance directly
9 tending to interrupt its proceedings.

10 (c) All attorneys, counselors, clerks, registers, sheriffs,
11 coroners, and all other persons in any manner ~~duly~~ elected or
12 appointed to perform any judicial or ministerial services, for any
13 misbehavior in their office or trust, or for any willful neglect or
14 violation of duty, for disobedience of any process of the court, or
15 any lawful order of the court, or any lawful order of a judge of
16 the court or of any officer authorized to perform the duties of the
17 judge.

18 (d) Parties to actions for putting in fictitious bail or
19 sureties or for any deceit or abuse of the process or proceedings
20 of the court.

21 (e) Parties to actions, attorneys, counselors, and all other
22 persons for the nonpayment of any sum of money which the court has
23 ordered to be paid. ~~—, in cases where by law execution cannot be~~
24 ~~awarded for the collection of the sum.~~

25 (f) Parties to actions, attorneys, counselors, and all other
26 persons for disobeying or refusing to comply with any order of the
27 court for the payment of temporary or permanent alimony or support

1 money or costs made in any action for divorce or separate
2 maintenance.

3 (g) Parties to actions, attorneys, counselors, and all other
4 persons for disobeying any lawful order, decree, or process of the
5 court.

6 (h) All persons for assuming to be and acting as officers,
7 attorneys, or counselors of any court without authority; for
8 rescuing any property or persons ~~which~~ **THAT** are in the custody of
9 an officer by virtue of process issued from that court; for
10 unlawfully detaining any witness or party to an action while he **OR**
11 **SHE** is going to, remaining at, or returning from the court where
12 the action is pending for trial, or for any other unlawful
13 interference with or resistance to the process or proceedings in
14 any action.

15 (i) All persons who, having been subpoenaed to appear before
16 or attend, refuse or neglect to obey the subpoena, to attend, to be
17 sworn, or when sworn, to answer any legal and proper interrogatory
18 in any of the following circumstances:

19 (i) As a witness in any court in this state.

20 (ii) Any officer of a court of record who is empowered to
21 receive evidence.

22 (iii) Any commissioner appointed by any court of record to take
23 testimony.

24 (iv) Any referees or auditors appointed according to the law to
25 hear any cause or matter.

26 (v) Any notary public or other person before whom any
27 affidavit or deposition is to be taken.

1 (j) Persons summoned as jurors in any court, for improperly
2 conversing with any party to an action which is to be tried in that
3 court, or with any other person in regard to merits of the action,
4 or for receiving communications from any party to the action or any
5 other person in relation to the merits of the action without
6 immediately disclosing the communications to the court.

7 (k) All inferior magistrates, officers, and tribunals for
8 disobedience of any lawful order or process of a superior court, or
9 for proceeding in any cause or matter contrary to law after the
10 cause or matter has been removed from their jurisdiction.

11 (l) The publication of a false or grossly inaccurate report of
12 ~~its~~ **THE COURT'S** proceedings, but ~~no~~ **A** court shall **NOT** punish as
13 a contempt the publication of true, full, and fair reports of any
14 trial, argument, proceedings, or decision had in the court.

15 (m) All other cases where attachments and proceedings as for
16 contempts have been usually adopted and practiced in courts of
17 record to enforce the civil remedies of any parties or to protect
18 the rights of any party.

19 Sec. 8321. (1) Civil process in the district court shall be
20 served by a sheriff, deputy sheriff or a court officer appointed by
21 the judges of the court for ~~such~~ **THAT** purpose, except that
22 officers of the department of state police **OR CONSERVATION OFFICERS**
23 **OF THE DEPARTMENT OF NATURAL RESOURCES** may serve civil process in
24 any action to which the state is a party and police officers of an
25 incorporated city or village may serve civil process in any action
26 to which the incorporated city or village is a party.

27 (2) Under rules of the supreme court, any other person may

1 serve any process or order of the district court ~~which~~ **THAT** does
2 not require the seizure, attachment, or garnishment of property or
3 the arrest of a person. This section ~~shall apply~~ **APPLIES**
4 notwithstanding ~~the provisions of~~ section 1908.

5 Sec. 8322. (1) A person serving as a bailiff of the common
6 pleas court of Detroit on August 31, 1981, pursuant to an
7 appointment under section 23 of former ~~Act No. 260 of the Public~~
8 ~~Acts of 1929~~ **1929 PA 260**, shall become a bailiff of the district
9 court in the thirty-sixth district on September 1, 1981. A bailiff
10 shall be considered a court officer under section 8321(1) for the
11 exclusive purpose of serving civil process in a civil action
12 commenced in the district court in the thirty-sixth district,
13 except for process issued in a summary proceeding under chapter 57.
14 All process issued by the district court in civil actions shall be
15 rotated among the bailiffs pursuant to rules adopted by the court.
16 A bailiff shall file with the clerk of the court a surety bond in
17 the amount of \$100,000.00 with a surety company. The premium on the
18 surety bond shall be paid by the district control unit. A bailiff
19 shall possess only the powers necessary to serve process issued by
20 the court. A bailiff governed pursuant to this subsection may bear
21 arms while in office and in the exercise of his or her duties as
22 bailiff. A bailiff shall hold office until death, retirement,
23 resignation, or removal from office by the court for misfeasance or
24 malfeasance in office. A vacancy in the office of bailiff as
25 established pursuant to this subsection shall not be filled.

26 (2) A person serving as a bailiff of the common pleas court on
27 August 31, 1981, pursuant to an appointment under section 31 of

1 former ~~Act No. 260 of the Public Acts of 1929~~ **1929 PA 260**, shall
2 become a bailiff of the district court in the thirty-sixth district
3 on September 1, 1981. A bailiff shall be considered a court officer
4 under section 8321(1) for the exclusive purpose of serving civil
5 process in summary proceedings commenced under chapter 57 in the
6 district court in the thirty-sixth district. All process issued by
7 the district court in summary proceedings shall be rotated among
8 the bailiffs pursuant to rules adopted by the court, except that a
9 writ of restitution shall be issued to the bailiff to whom the
10 summons was issued in the particular proceeding. A bailiff shall
11 file with the clerk of the court a surety bond in an amount of
12 \$100,000.00 with a surety company. The premium on the surety bond
13 shall be paid by the district control unit. A bailiff governed
14 pursuant to this subsection shall be considered a peace officer
15 only for the purpose of receiving compensation provided by ~~Act No.~~
16 ~~329 of the Public Acts of 1937, being sections 419.101 to 419.104~~
17 ~~of the Michigan Compiled Laws~~ **1937 PA 329, MCL 419.101 TO 419.104.**
18 A bailiff shall hold office until death, retirement, resignation,
19 or removal from office by the court for misfeasance or malfeasance
20 in office. A vacancy in the office of bailiff established pursuant
21 to this subsection shall not be filled.

22 (3) A bailiff governed pursuant to this section shall keep a
23 written record of the date, amount, and nature of each financial
24 transaction conducted by the bailiff in the course of his or her
25 service as bailiff. An audit of each bailiff's financial
26 transactions shall be conducted annually by the district control
27 unit and reported immediately to the judges of the district. If the

1 audit prescribed by this subsection is not conducted by the
 2 district control unit before June 30 of any year, the judges of the
 3 court shall contract with a certified public accountant to perform
 4 the audit. If a certified public accountant is required to perform
 5 the audit, the cost of the audit shall be paid by the district
 6 control unit.

7 (4) Upon the existence of a vacancy in the office of bailiff
 8 established under this section, the chief judge of the district may
 9 appoint a court officer pursuant to section 8321(1).

10 (5) A bailiff serving civil process pursuant to subsection (1)
 11 or (2) shall be compensated by salary and the fees and mileage
 12 prescribed in section 8326. A full-time bailiff, as defined by the
 13 employer designated under section 8274(2) or (3), shall receive
 14 from the city of Detroit a \$20,000.00 annual salary. For each part-
 15 time bailiff, as defined by the employer designated under section
 16 8274(2) or (3), the employer designated under section 8274(2) or
 17 (3) shall establish a salary which is a pro rata portion of
 18 \$20,000.00 based on that portion of a full-time bailiff's workload
 19 to be assigned to the bailiff. A bailiff covered by this subsection
 20 ~~shall~~ **IS** not ~~be~~ entitled to any compensation from the city of
 21 Detroit other than that specifically authorized in this subsection.

22 (6) A bailiff serving civil process pursuant to subsection (1)
 23 or (2) shall not become a member of the state employees' retirement
 24 system created by ~~Act No. 240 of the Public Acts of 1943, being~~
 25 ~~sections 38.1 to 38.47 of the Michigan Compiled Laws~~ **THE STATE**
 26 **EMPLOYEES' RETIREMENT ACT, 1943 PA 240, MCL 38.1 TO 38.69.**
 27 Beginning September 1, 1981, the city of Detroit shall contribute

1 to the retirement system in which the bailiff is a member on August
2 31, 1981, an amount equal to the amount which the state would have
3 contributed to the state employees' retirement system pursuant to
4 ~~Act No. 240 of the Public Acts of 1943~~ **THE STATE EMPLOYEES'**
5 **RETIREMENT ACT, 1943 PA 240, MCL 38.1 TO 38.69**, if the bailiff had
6 become a member of the state employees' retirement system, based on
7 the salary paid by the city of Detroit pursuant to subsection (5).
8 Beginning September 1, 1981, each bailiff shall continue to
9 contribute to the retirement system in which the bailiff is a
10 member on August 31, 1981, as required by ordinance, based on
11 salary and fees received pursuant to subsection (5), except
12 mileage.

13 (7) From each filing fee collected under section 8371, the
14 clerk of the court shall pay to the Wayne county retirement system
15 the sum of \$1.00, to be credited to the retirement fund of the
16 bailiffs of the district court in the thirty-sixth district serving
17 civil process pursuant to subsection (1). The county of Wayne shall
18 annually review the retirement fund and shall ensure that the fund
19 is maintained in an actuarially sound condition. Copies of the
20 actuarial reports shall be provided to the employer designated
21 under section 8274(2) or (3) and to the ~~state court administrator~~
22 **CHIEF JUDGE OF THE THIRTY-SIXTH DISTRICT.**

23 (8) From each filing fee collected for filing a summary
24 proceeding under section 5756, the clerk of the court shall pay to
25 the Wayne county retirement system the sum of \$1.00 for each
26 defendant served in the proceeding, to be credited to the
27 retirement fund of the bailiffs of the district court in the

1 thirty-sixth district serving civil process pursuant to subsection
2 (2). However, the amount credited to the retirement fund under this
3 subsection shall not exceed 1/2 of the fee collected in a
4 proceeding. The county of Wayne shall annually review the
5 retirement fund and shall ensure that the fund is maintained in an
6 actuarially sound condition. Copies of the actuarial reports shall
7 be provided to the employer designated under section 8274(2) or (3)
8 and to the ~~state court administrator~~ **CHIEF JUDGE OF THE THIRTY-**
9 **SIXTH DISTRICT.**

10 Sec. 8331. All proceedings in the district court, except as
11 otherwise provided by law or supreme court rule, shall be recorded.
12 ~~as provided in section 8611.~~

13 Sec. 8344. Except as provided in this section, not less than 6
14 years after the entry of a judgment in a civil action, including a
15 summary proceeding, ~~or a civil infraction action,~~ or in an
16 ordinance violation case or a criminal case in the district court,
17 the court may dispose of documents, records, recordings, and notes
18 related to that action, except the register of actions pursuant to
19 a schedule adopted by the state administrative board. **THE COURT MAY**
20 **ORDER THE DESTRUCTION OF DOCUMENTS, RECORDS, RECORDINGS, AND NOTES**
21 **RELATED TO A CIVIL INFRACTION ACTION NOT LESS THAN 3 YEARS AFTER**
22 **THE ENTRY OF A FINDING IN THE ACTION.** The court may order the
23 destruction of notes, tapes, and recordings that have been
24 transcribed and filed with the court 1 year after the date of the
25 filing of the transcript. The register of actions shall be in a
26 form adequate to reveal, in summary fashion, the general nature of
27 the action and judgment. After the disposal of the documents,

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records, recordings, and notes, the register of actions or a certified reproduction of the register of actions pursuant to the records media act is the official record of the action and judgment. The validity and enforceability of a judgment are not affected by the destruction of the piece of paper upon which the judgment is entered, but the register of actions itself, or a certified reproduction of the register of actions pursuant to the records ~~media~~ **REPRODUCTION** act, **1992 PA 116, MCL 24.401 TO 24.406**, is a complete replacement of the judgment and the records of the action. This section applies to judgments of municipal and common pleas courts abolished after January 1, 1969, if the judgment was entered or the action disposed of after January 1, 1969. This section applies to actions entered in the small claims division of the district court, except that a register of actions need not be preserved or maintained after destruction of the file.

Sec. 8507. (1) Magistrates shall be registered electors in the county in which they are appointed. All magistrates appointed shall serve at the pleasure of the judges of the district court. Before assuming office, persons appointed magistrates shall take the constitutional oath of office and file a bond with the ~~county~~ treasurer **OF A [DISTRICT] FUNDING UNIT OF THAT DISTRICT** in an amount determined by the state court administrator. The bond shall also apply to temporary service in another county under subsection (2), ~~or~~ **(3), OR (4), OR PURSUANT TO A MULTIPLE DISTRICT PLAN UNDER SUBSECTION (5).**

(2) In a district of the first class that consists of more than 1 county, if a magistrate is temporarily absent or

1 incapacitated, the chief or only district judge may direct a
2 magistrate of another county of the same district to serve
3 temporarily in the county where the magistrate is temporarily
4 absent or incapacitated. The district judge shall make his or her
5 order in writing. A magistrate serving temporarily under this
6 subsection ~~shall~~ **IS** not ~~be~~ entitled to additional compensation
7 but shall be reimbursed for actual and necessary expenses incurred
8 during the authorized temporary service upon certification and
9 approval by the state court administrator. Upon allowance, the
10 reimbursement shall be paid by the state treasurer out of the
11 appropriation for the state court administrative office.

12 (3) In a district of the first class that consists of more
13 than 1 county, the chief or only district judge may authorize a
14 magistrate appointed in 1 county to serve in another county in the
15 district.

16 (4) Pursuant to a multiple district plan under section 8320
17 involving adjoining districts of the first class, a district court
18 magistrate appointed in a county of 1 district may be authorized to
19 serve in a county of the adjoining district. While serving in the
20 adjoining district, the magistrate shall be subject to the
21 superintending control of the chief or only district judge of that
22 district.

23 (5) Pursuant to a multiple district plan under section 8320
24 involving districts in the same county, a district court magistrate
25 may be authorized to serve in any participating district of the
26 county.

27 **SEC. 8808. (1) WHEN A PERSON WHO IS NOT A RESIDENT OF THIS**

1 STATE IS ISSUED A CITATION FOR A CIVIL INFRACTION UNDER SECTION
2 8807, THE PERSON MAY RECOGNIZE TO THE LAW ENFORCEMENT OFFICER OR TO
3 THE COURT FOR HIS OR HER APPEARANCE BY LEAVING WITH THE OFFICER OR
4 COURT A SUM OF MONEY NOT TO EXCEED \$100.00.

5 (2) THE OFFICER RECEIVING A DEPOSIT OF MONEY UNDER SUBSECTION
6 (1) SHALL GIVE A RECEIPT TO THE PERSON FOR THE MONEY DEPOSITED
7 TOGETHER WITH THE WRITTEN CITATION REQUIRED UNDER SUBSECTION (1).

8 (3) AT OR BEFORE THE COMPLETION OF HIS OR HER TOUR OF DUTY, A
9 LAW ENFORCEMENT OFFICER TAKING A DEPOSIT OF MONEY SHALL DELIVER THE
10 DEPOSIT OF MONEY AND THE CITATION EITHER TO THE COURT NAMED IN THE
11 CITATION OR TO THE AGENCY CHIEF OR PERSON AUTHORIZED BY THE AGENCY
12 CHIEF TO RECEIVE DEPOSITS. THE AGENCY CHIEF OR PERSON AUTHORIZED
13 SHALL DEPOSIT THE MONEY AND THE CITATION WITH THE COURT IN THE SAME
14 MANNER AS PRESCRIBED FOR CITATIONS IN SECTION 8805. A FAILURE TO
15 DELIVER THE MONEY DEPOSITED IS EMBEZZLEMENT OF PUBLIC MONEY.

16 (4) IF THE PERSON WHO POSTS A DEPOSIT FAILS TO APPEAR AS
17 REQUIRED IN THE CITATION OR FOR A SCHEDULED INFORMAL OR FORMAL
18 HEARING, THE COURT HAVING JURISDICTION AND VENUE OVER THE CIVIL
19 INFRACTION SHALL ENTER A DEFAULT JUDGMENT AGAINST THE PERSON, AND
20 THE MONEY DEPOSITED SHALL BE FORFEITED AND APPLIED TO ANY CIVIL
21 FINE OR COSTS ORDERED UNDER SECTION 8827.

22 Enacting section 1. Section 8507 of the revised judicature
23 act of 1961, 1961 PA 236, MCL 600.8507, as amended by this
24 amendatory act, applies to bonds filed or renewed by district court
25 magistrates after December 31, 2005.

26 Enacting section 2. Sections 8555 and 8611 of the revised
27 judicature act of 1961, 1961 PA 236, MCL 600.8555 and 600.8611, are

1 repealed.