

SENATE BILL No. 448

(As amended, November 10, 2005)

April 28, 2005, Introduced by Senator CROPSEY and referred to the Committee on Judiciary.

<<A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 226, 303d, 410, 810, 859, 871, 1105, 1701,
8321, 8322, 8344, 8507, and 8611 (MCL 600.226, 600.303d, 600.410,
600.810, 600.859, 600.871, 600.1105, 600.1701, 600.8321, 600.8322,
600.8344, 600.8507, and 600.8611), section 226 as amended by 1990 PA 185,
section 303d as amended by 2004 PA 448, section 410 as added by
2002 PA 678, sections 859, 1105, and 8611 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:

Sec. 226. (1) The supreme court may authorize any retired

1 judge from any court to perform judicial duties in any court in the
2 state. The authorization may be for a period or periods as the
3 supreme court shall designate with the consent of the retired
4 judge.

5 (2) Any retired judge assigned to any period of active
6 judicial service pursuant to section 23 of article VI of the state
7 constitution of 1963 and pursuant to the laws of the state relating
8 to judicial service shall be compensated as follows:

9 (a) The judge shall receive a salary payable at the same times
10 and from the same sources as provided for the judicial office in
11 which the judge is authorized to perform judicial duties.

12 (b) The performance of the authorized judicial duties shall be
13 without prejudice to all other rights of the judge under the
14 retirement systems.

15 (c) The salary for each day in which the judge serves as
16 authorized shall be ~~the greater of the following:~~

17 ~~—— (i) One hundred dollars per diem for each day or part of a day~~
18 ~~spent in the discharge of his or her duties.~~

19 ~~—— (ii) The difference between 1/250th of the annual salary paid~~
20 ~~for the judicial office during the time the retired judge serves in~~
21 ~~the office. and 1/250th of the state retirement allowance paid to~~
22 ~~the retired judge during the time the retired judge serves in the~~
23 ~~office.~~

24 (d) Necessary expenses incidental to the performance of duties
25 required by the assignment, including travel, meals, and lodging,
26 shall be paid by the state in accordance with the established
27 provisions and procedures for state officials and upon the approval

1 of the court administrator.

2 ~~—— (3) This section does not apply to the performance of judicial~~
3 ~~duties by a senior judge under sections 557, 557a, and 557b.~~

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

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

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

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

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

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

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

Senate Bill No. 448 as amended November 9, 2005

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

(a) A power of appointment to a public office delegated by constitution or statute to the circuit court or a circuit judge.

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

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

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

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

Sec. 859. (1) ~~<<The~~ **EXCEPT AS OTHERWISE PROVIDED BY SUPREME COURT RULE OR ORDER, THE>>** following testimony before a probate judge shall be taken by an official court reporter or by an official

1 court recorder: ~~on a recording device approved by the state court~~
2 ~~administrator.~~

3 (a) Testimony in contested matters.

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

7 (c) Testimony in matters pertaining to persons having a
8 contagious disease.

9 (d) Testimony in other matters if requested by an interested
10 party.

11 (e) Testimony and other proceedings required by supreme court
12 rule.

13 (2) In matters not governed by subsection (1), testimony
14 before a probate judge, probate register, or deputy probate
15 register may be given orally without a record being made of the
16 testimony.

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

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

4 Sec. 871. (1) In all decedents' estates in which proceedings
5 are instituted for probate, the probate court shall charge and
6 collect the following fees as an expense of administration on the
7 value of all assets, as of the date of death of the decedent, as
8 follows:

9 (a) In an estate of value of less than \$1,000.00, \$5.00 plus
10 1% of the amount over \$500.00.

11 (b) In an estate of value of \$1,000.00 or more, but less than
12 \$3,000.00, \$25.00.

13 (c) In an estate of value of \$3,000.00 or more but less than
14 \$10,000.00, \$25.00 plus $\frac{5}{8}$ of 1% of the amount over \$3,000.00.

15 (d) In an estate of value of \$10,000.00 or more but less than
16 \$25,000.00, \$68.75 plus $\frac{1}{2}$ of 1% of the amount over \$10,000.00.

17 (e) In an estate of value of \$25,000.00 but less than
18 \$50,000.00, \$143.75 plus $\frac{3}{8}$ of 1% of the amount over \$25,000.00.

19 (f) In an estate of value of \$50,000.00 but less than
20 \$100,000.00, \$237.50 plus $\frac{1}{4}$ of 1% of the amount over \$50,000.00.

21 (g) In an estate of value of \$100,000.00 to \$500,000.00,
22 \$362.50 plus $\frac{1}{8}$ of 1% of the amount over \$100,000.00.

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

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

27 (2) The fees in subsection (1), **ROUNDED TO THE WHOLE DOLLAR,**

1 shall be due and payable to the probate court before the filing of
2 the final account or within 1 year after the commencement of
3 probate proceedings, whichever occurs first. A final accounting
4 shall not be accepted by the probate court until the fees are paid
5 in full and shown as part of the final accounting. An official
6 receipt shall be issued to the payer when the fees are collected.

7 Sec. 1105. Every reporter or recorder shall hold office at the
8 pleasure of the ~~governor unless suspended for incompetency or~~
9 ~~misconduct, by~~ **CHIEF JUDGE OF** the court to which he or she is
10 appointed. ~~In the case of a suspension, the reporter or recorder~~
11 ~~shall cease to hold the office of reporter or recorder unless by~~
12 ~~order of the court his or her suspension is rescinded. If the~~
13 ~~suspension is not rescinded within 30 days of the order of~~
14 ~~suspension, the office shall become vacant.~~

15 Sec. 1701. The supreme court, circuit ~~courts~~ **COURT**, and all
16 other courts of record, have power to punish by fine or
17 imprisonment, or both, persons guilty of any neglect or violation
18 of duty or misconduct in all of the following cases:

19 (a) Disorderly, contemptuous, or insolent behavior, committed
20 during its sitting, in its immediate view and presence, and
21 directly tending to interrupt its proceedings or impair the respect
22 due to its authority.

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

25 (c) All attorneys, counselors, clerks, registers, sheriffs,
26 coroners, and all other persons in any manner ~~duly~~ elected or
27 appointed to perform any judicial or ministerial services, for any

1 misbehavior in their office or trust, or for any willful neglect or
2 violation of duty, for disobedience of any process of the court, or
3 any lawful order of the court, or any lawful order of a judge of
4 the court or of any officer authorized to perform the duties of the
5 judge.

6 (d) Parties to actions for putting in fictitious bail or
7 sureties or for any deceit or abuse of the process or proceedings
8 of the court.

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

13 (f) Parties to actions, attorneys, counselors, and all other
14 persons for disobeying or refusing to comply with any order of the
15 court for the payment of temporary or permanent alimony or support
16 money or costs made in any action for divorce or separate
17 maintenance.

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

21 (h) All persons for assuming to be and acting as officers,
22 attorneys, or counselors of any court without authority; for
23 rescuing any property or persons ~~—which—~~ **THAT** are in the custody of
24 an officer by virtue of process issued from that court; for
25 unlawfully detaining any witness or party to an action while he **OR**
26 **SHE** is going to, remaining at, or returning from the court where
27 the action is pending for trial, or for any other unlawful

1 interference with or resistance to the process or proceedings in
2 any action.

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

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

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

10 (iii) Any commissioner appointed by any court of record to take
11 testimony.

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

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

16 (j) Persons summoned as jurors in any court, for improperly
17 conversing with any party to an action which is to be tried in that
18 court, or with any other person in regard to merits of the action,
19 or for receiving communications from any party to the action or any
20 other person in relation to the merits of the action without
21 immediately disclosing the communications to the court.

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

26 (l) The publication of a false or grossly inaccurate report of
27 ~~its~~ **THE COURT'S** proceedings, but ~~no~~ A court shall **NOT** punish as

Senate Bill No. 448 as amended November 9, 2005

1 a contempt the publication of true, full, and fair reports of any
2 trial, argument, proceedings, or decision had in the court.

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

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

(2) Under rules of the supreme court, any other person may serve any process or order of the district court ~~which~~ **THAT** does not require the seizure, attachment, or garnishment of property or the arrest of a person. This section ~~shall apply~~ **APPLIES** notwithstanding the ~~provisions of~~ section 1908.>>

7 Sec. 8322. (1) A person serving as a bailiff of the common
8 pleas court of Detroit on August 31, 1981, pursuant to an
9 appointment under section 23 of former ~~Act No. 260 of the Public~~
10 ~~Acts of 1929~~ **1929 PA 260**, shall become a bailiff of the district
11 court in the thirty-sixth district on September 1, 1981. A bailiff
12 shall be considered a court officer under section 8321(1) for the
13 exclusive purpose of serving civil process in a civil action
14 commenced in the district court in the thirty-sixth district,
15 except for process issued in a summary proceeding under chapter 57.
16 All process issued by the district court in civil actions shall be
17 rotated among the bailiffs pursuant to rules adopted by the court.
18 A bailiff shall file with the clerk of the court a surety bond in
19 the amount of \$100,000.00 with a surety company. The premium on the
20 surety bond shall be paid by the district control unit. A bailiff
21 shall possess only the powers necessary to serve process issued by
22 the court. A bailiff governed pursuant to this subsection may bear

Senate Bill No. 448 as amended November 9, 2005

23 arms while in office and in the exercise of his or her duties as
24 bailiff. A bailiff shall hold office until death, retirement,
25 resignation, or removal from office by the court for misfeasance or
26 malfeasance in office. A vacancy in the office of bailiff as
27 established pursuant to this subsection shall not be filled.

1 (2) A person serving as a bailiff of the common pleas court on
2 August 31, 1981, pursuant to an appointment under section 31 of
3 former ~~Act No. 260 of the Public Acts of 1929~~ **1929 PA 260**, shall
4 become a bailiff of the district court in the thirty-sixth district
5 on September 1, 1981. A bailiff shall be considered a court officer
6 under section 8321(1) for the exclusive purpose of serving civil
7 process in summary proceedings commenced under chapter 57 in the
8 district court in the thirty-sixth district. All process issued by
9 the district court in summary proceedings shall be rotated among
10 the bailiffs pursuant to rules adopted by the court, except that a
11 writ of restitution shall be issued to the bailiff to whom the
12 summons was issued in the particular proceeding. A bailiff shall
13 file with the clerk of the court a surety bond in an amount of
14 \$100,000.00 with a surety company. The premium on the surety bond
15 shall be paid by the district control unit. A bailiff governed
16 pursuant to this subsection shall be considered a peace officer
17 only for the purpose of receiving compensation provided by ~~Act No.~~
18 ~~329 of the Public Acts of 1937, being sections 419.101 to 419.104~~
19 ~~of the Michigan Compiled Laws~~ **1937 PA 329, MCL 419.101 TO 419.104.**
20 A bailiff shall hold office until death, retirement, resignation,
21 or removal from office by the court for misfeasance or malfeasance
22 in office. A vacancy in the office of bailiff established pursuant
23 to this subsection shall not be filled.

24 (3) A bailiff governed pursuant to this section shall keep a
25 written record of the date, amount, and nature of each financial
26 transaction conducted by the bailiff in the course of his or her
27 service as bailiff. An audit of each bailiff's financial

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

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

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

24 (6) A bailiff serving civil process pursuant to subsection (1)
25 or (2) shall not become a member of the state employees' retirement
26 system created by ~~Act No. 240 of the Public Acts of 1943, being~~
27 ~~sections 38.1 to 38.47 of the Michigan Compiled Laws~~ **THE STATE**

EMPLOYEES' RETIREMENT ACT, 1943 PA 240, MCL 38.1 TO 38.47.

Beginning September 1, 1981, the city of Detroit shall contribute to the retirement system in which the bailiff is a member on August 31, 1981, an amount equal to the amount which the state would have contributed to the state employees' retirement system pursuant to ~~Act No. 240 of the Public Acts of 1943~~ **THE STATE EMPLOYEES' RETIREMENT ACT, 1943 PA 240, MCL 38.1 TO 38.47**, if the bailiff had become a member of the state employees' retirement system, based on the salary paid by the city of Detroit pursuant to subsection (5). Beginning September 1, 1981, each bailiff shall continue to contribute to the retirement system in which the bailiff is a member on August 31, 1981, as required by ordinance, based on salary and fees received pursuant to subsection (5), except mileage.

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

(8) From each filing fee collected for filing a summary proceeding under section 5756, the clerk of the court shall pay to the Wayne county retirement system the sum of \$1.00 for each

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

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

1 certified reproduction of the register of actions pursuant to the
 2 records media act is the official record of the action and
 3 judgment. The validity and enforceability of a judgment are not
 4 affected by the destruction of the piece of paper upon which the
 5 judgment is entered, but the register of actions itself, or a
 6 certified reproduction of the register of actions pursuant to the
 7 records ~~media~~ **REPRODUCTION** act, **1992 PA 116, MCL 24.401 TO**
 8 **24.406**, is a complete replacement of the judgment and the records
 9 of the action. This section applies to judgments of municipal and
 10 common pleas courts abolished after January 1, 1969, if the
 11 judgment was entered or the action disposed of after January 1,
 12 1969. This section applies to actions entered in the small claims
 13 division of the district court, except that a register of actions
 14 need not be preserved or maintained after destruction of the file.

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

25 (2) In a district of the first class that consists of more
 26 than 1 county, if a magistrate is temporarily absent or
 27 incapacitated, the chief or only district judge may direct a

Senate Bill No. 448 as amended November 9, 2005

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

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

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

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

26 Sec. 8611. ~~<All~~ **EXCEPT AS OTHERWISE PROVIDED BY SUPREME COURT RULE**
OR ORDER, ALL>> proceedings in the district court ~~which~~ **THAT**
27 are to be recorded under section 8331 shall be recorded by the

1 district court recorder ~~by the use of recording devices approved~~
2 ~~by the state court administrator,~~ or taken by the district court
3 reporter.

4 SEC. 8808. (1) WHEN A PERSON WHO IS NOT A RESIDENT OF THIS
5 STATE IS ISSUED A CITATION FOR A CIVIL INFRACTION UNDER SECTION
6 8807, THE PERSON MAY RECOGNIZE TO THE LAW ENFORCEMENT OFFICER OR TO
7 THE COURT FOR HIS OR HER APPEARANCE BY LEAVING WITH THE OFFICER OR
8 COURT A SUM OF MONEY NOT TO EXCEED \$100.00.

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

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

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

26 Enacting section 1. Section 8507 of the revised judicature
27 act of 1961, 1961 PA 236, MCL 600.8507, as amended by this

Senate Bill No. 448 as amended November 9, 2005

1 amendatory act, applies to bonds filed or renewed by district court
2 magistrates after December 31, 2005.

3 <<Enacting section 2. Sections 557, 557a, 557b, and 8555 of the
4 revised judicature act of 1961, 1961 PA 236, MCL 600.557, 600.557a,
5 600.557b, and 600.8555, are repealed.>>