

DIVIDE 87TH JUDICIAL DISTRICT

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Senate Bill 435

Sponsor: Sen. Tony Stamas

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 4-14-08

A SUMMARY OF SENATE BILL 435 AS PASSED BY THE SENATE 7-25-08

The 87th judicial district consists of the counties of Crawford, Kalkaska, and Otsego, and has one judge. Currently, the judge who holds that position lives in Otsego County and handles district court cases only in that county; the probate judges in Crawford and Kalkaska handle both probate and district court cases in their respective counties under Public Act 92 of 2002, which granted them the jurisdiction, powers, duties, and title of a district judge within their respective counties in addition to the jurisdiction, powers, duties, and title of a probate judge.

Senate Bill 435 would amend the Revised Judicature Act to abolish the 87th judicial district and instead divide that district into three new judicial districts, if the counties of Crawford, Kalkaska, and Otsego approve.

Specifically, if the counties of Crawford, Kalkaska, and Otsego approve, respectively, the creation of the 87th-A, 87th-B, and 87th-C judicial districts, and each of those counties approved the abolition of the 87th district, all of the following would apply:

- The 87th-A district would consist of the County of Crawford, and the probate judge of Crawford County would serve as judge of the 87th-A district.
- The 87th-B district would consist of the County of Kalkaska, and the probate judge of Kalkaska County would serve as judge of the 87th-B district.
- The 87th-C district would consist of the County of Otsego, and would have one judge.
- The 87th district would be abolished.

As the bill was introduced, the bill anticipated this taking effect January 1, 2008, with the judge of the 87th district at 11:59 p.m. on December 31, 2007, who resided in Otsego County, serving as judge of the 87th-C district for the balance of the term to which he or she was elected or appointed judge of the 87th district.

Similarly, the Crawford County probate judge would serve as judge of the 87th-A district for the balance of the term to which he or she was elected or appointed probate judge, and the Kalkaska County probate judge would serve as judge of the 87th-B district court for the balance of the term to which he or she was elected or appointed probate judge.

(Section 8176 of the Revised Judicature Act prohibits the creation of a new judicial district proposed by law unless each district control unit in the proposed district, by resolution of the district control unit's governing body, approves the creation of the new district and the clerk of each district control unit adopting the resolution files a copy with the State Court Administrator by 4 p.m. of the 16th Tuesday before the August primary for the election immediately preceding the new district's effective date. A resolution filed before the effective date of the amendatory act authorizing the new district is valid if the filing occurs within the two-year state legislative session during which the amendatory act was enacted.)

MCL 600.8152

FISCAL IMPACT:

The bill would have no immediate fiscal impact. The reorganization of the eighty-seventh district into three separate districts would require no new facilities or staffing requirements.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.