

SENATE BILL No. 903

October 15, 2009, Introduced by Senator JACOBS and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8312 (MCL 600.8312).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8312. (1) In a district of the first class, venue in
2 criminal actions for violations of state law and all city, village,
3 or township ordinances shall be in the county where the violation
4 took place.

5 (2) In a district of the second class, venue in criminal
6 actions for violations of state law and all city, village, or
7 township ordinances shall be in the district where the violation
8 took place.

9 (3) In a district of the third class, venue in criminal
10 actions for violations of state law and all city, village, or

1 township ordinances shall be in the political subdivision where the
2 violation took place, except that when the violation is alleged to
3 have taken place within a political subdivision where the court is
4 not required to sit, the action may be tried in any political
5 subdivision within the district where the court is required to sit.

6 (4) With regard to state criminal violations cognizable by the
7 district court, the following special provisions shall apply:

8 (a) If an offense is committed on the boundary of 2 or more
9 counties, districts, or political subdivisions or within 1 mile
10 thereof, venue is proper in any of the counties, districts, or
11 political subdivisions concerned.

12 (b) If an offense is committed in or upon any railroad train,
13 automobile, aircraft, vessel, or other conveyance in transit, and
14 it cannot readily be determined in which county, district, or
15 political subdivision the offense was committed, venue is proper in
16 any county, district, or political subdivision through or over
17 which the conveyance passed in the course of its journey.

18 (5) Venue in civil actions, other than civil infraction
19 actions, shall be governed by sections 1601 to 1659 except that for
20 purposes of this subsection all references to "county" in sections
21 1601 to 1659 shall mean "district" with respect to districts of the
22 second and third class.

23 (6) Venue in civil infraction actions shall be determined as
24 follows:

25 (a) In a district of the first class, venue shall be in the
26 county where the civil infraction occurred.

27 (b) In a district of the second class, venue shall be in the

1 district where the civil infraction occurred.

2 (c) In a district of the third class, venue shall be in the
3 political subdivision where the civil infraction occurred, except
4 that when the violation is alleged to have taken place within a
5 political subdivision where the court is not required to sit, the
6 action may be heard or an admission entered in any political
7 subdivision within the district where the court is required to sit.

8 (7) NOTWITHSTANDING SUBSECTIONS (1) TO (6), AND SUBJECT TO
9 SECTION 13 OF CHAPTER IV OF THE CODE OF CRIMINAL PROCEDURE, MCL
10 764.13, IN A COUNTY THAT CONTAINS MORE THAN 1 JUDICIAL DISTRICT,
11 THE STATE COURT ADMINISTRATOR AT THE DIRECTION OF THE SUPREME
12 COURT, THE DEPARTMENT OF STATE POLICE, AND THE LOCAL FUNDING UNIT
13 FOR A JUDICIAL DISTRICT WITHIN THE COUNTY MAY AGREE TO DESIGNATE
14 THAT DISTRICT AS BEING A DISTRICT FOR VENUE FOR SOME OR ALL ACTIONS
15 ARISING OUT OF A CITATION ISSUED WITHIN THAT COUNTY BY THE
16 DEPARTMENT OF STATE POLICE FOR A VIOLATION OF THE MICHIGAN VEHICLE
17 CODE, 1949 PA 300, MCL 257.1 TO 257.923. AN AGREEMENT ENTERED INTO
18 UNDER THIS SUBSECTION IS NOT VALID UNLESS IT IS APPROVED BY EACH OF
19 THE LOCAL FUNDING UNITS FOR JUDICIAL DISTRICTS THAT WOULD OTHERWISE
20 HAVE BEEN THE DISTRICT OF VENUE FOR ACTIONS DESCRIBED IN THE
21 AGREEMENT. IF AN AGREEMENT IS ENTERED INTO UNDER THIS SUBSECTION,
22 VENUE FOR AN ACTION DESCRIBED IN THE AGREEMENT SHALL BE AS
23 DETERMINED IN THE AGREEMENT. MORE THAN 1 DISTRICT IN THE COUNTY MAY
24 BE DESIGNATED AS A DISTRICT OF VENUE UNDER THIS SUBSECTION, BUT A
25 SEPARATE AGREEMENT IS REQUIRED FOR EACH DESIGNATION. AN AGREEMENT
26 UNDER THIS SUBSECTION SHALL BE EFFECTIVE ON A DATE AGREED UPON BY
27 THE PARTIES AND MAY BE MODIFIED BY AGREEMENT OF THE PARTIES. AN

1 AGREEMENT UNDER THIS SUBSECTION MAY BE CANCELED BY ANY OF THE 3
2 PARTIES, SUBJECT TO GIVING AT LEAST 180 DAYS' PRIOR NOTICE OF
3 INTENT TO CANCEL TO BOTH OF THE OTHER PARTIES. THE FUNDING UNIT FOR
4 THE THIRTY-SIXTH JUDICIAL DISTRICT SHALL NOT ENTER INTO AN
5 AGREEMENT FOR THAT JUDICIAL DISTRICT UNDER THIS SUBSECTION.

6 (8) ~~(7)~~—For purposes of venue, a city which is located in more
7 than 1 county and which is placed in 1 district of the first class
8 by chapter 81 ~~7~~—shall be considered a part of that county which
9 contains the greater portion of its population.