

COURT REORGANIZATIONS

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Senate Bill 1351 (Substitute S-4)
Sponsor: Sen. John Pappageorge
House Committee: Judiciary
Senate Committee: Judiciary (discharged)

Complete to 12-5-12

A SUMMARY OF SENATE BILL 1351 AS PASSED BY THE SENATE 11-29-12

The bill would move the City of Berkley from the 45th District Court District to the 44th District Court District, which currently consists of the City of Royal Oak.

Under provisions of Public Act 37 of 2012, the 45th-A District Court District, consisting of the City of Berkley, was to be abolished as of July 1, 2012, and merged with the 45th-B District Court District, also slated to be abolished (the cities of Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak in Oakland County). The two merged districts would then become the 45th District, with the eventual loss of one judgeship to attrition.

Senate Bill 1351 would amend the Revised Judicature Act to instead provide:

- Beginning January 2, 2015, the 44th District would consist of the Cities of Royal Oak and Berkley with three judgeships.
- Beginning January 3, 2015, one of those judgeships would be reduced when a vacancy occurred or on the beginning date of the term for which an incumbent no longer sought election or reelection, with a subsequent judgeship being reduced under the same circumstances until the District had only one judgeship.
- Extend the date for abolishing the 45th-A District to January 2, 2015, and allow the person serving as judge, as of June 30, 2012, (or his/her successor) to continue to serve until that time. For purposes of the 2014 election only, the term would be eight years. As of the reorganization date, the judge would become a judge of the 44th District.
- Reduce the number of judgeships for the 45th District from three to two.
- Exempt the reorganization of the 44th, 45th, 45th-A, and 45th-B Districts from the provisions of Sections 8175 and 8176 (local approval, among other things).
- Require that any physical reorganization required to accomplish the reorganization of district boundaries under the bill be completed no later than January 1, 2021.
- Change the date, from 2020 to 2014, of the November general election for which the length of terms for two judgeships for the 45th judicial district would be determined by the number of votes received by a candidate (eight years for the candidate receiving the highest number and six years for the lowest).

- Delete a provision made obsolete by the bill pertaining to the district control units for the 45th-A and 45-B District Court Districts submitting an alternative judicial reorganizational plan.

MCL 600.8123 and 600.8132

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the State, as well as the courts involved in the reorganization. As no judgeships are added or removed compared to the reductions already enacted in PA 37 of 2012, state funding for judges once all judgeships are eliminated would be unaffected. However, savings may be realized earlier or later depending on when individual judges become ineligible for re-election, or no longer seek reelection.

Reorganizing the 44th, 45th, 45th-A and 45th-B courts would have an indeterminate fiscal impact on these courts, though many of these costs and savings would likely be similar to those experienced as a result of PA 37 of 2012.

Potential cost savings could rise from sharing facilities and resources. These savings would benefit local governments beyond the savings that are already realized from any reduced resources needed due to eliminated judgeships. Additionally, these merged court districts would be able to share workloads, which may reduce court congestion.

Both short- and long-term costs could partially or fully offset these savings, potentially resulting in higher average costs after a merger. Examples of potential costs include merging of computer systems, increased travel time for law enforcement and prosecutors, and reconciliation of differing labor agreements. The net cost or savings of this reorganization is indeterminate.

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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.