

COURT DOCUMENTS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4532

Sponsor: Rep. Amanda Price

Committee: Judiciary

Complete to 4-17-13

A SUMMARY OF HOUSE BILL 4532 AS INTRODUCED 4-10-13

House Bill 4532 would amend the Revised Judicature Act to make several changes in the manner probate court records are maintained and by whom; allow for the digitization of court documents; and allow electronic signatures on court filings and documents. Specifically, the bill would do the following:

Section 832 changes: Currently, the probate judge or chief probate judge of each respective county or probate court district maintains possession of the court seal, records, books, files, and papers belonging to the probate court. The bill would instead require the clerk of the probate court to fulfill this duty.

The RJA requires that each judge keep a true and correct record of each order, sentence, and decree of the court; of his or her other official acts; and of all wills and letters of authority that are to be recorded in the court. The bill would delete this provision and instead require the clerk of the probate court, in accordance with state Supreme Court rules, to maintain every record created by or filed with the probate court.

A provision allowing the records, except as otherwise provided by law, to be inspected without charge by all interested persons would be eliminated. A provision requiring the probate court to maintain an alphabetical index to the records of probate court proceedings in each county would also be eliminated.

Sec. 859 changes: The probate court is required to record certain testimony, keep sufficient index of the testimony, and keep the index and the original notes for at least 10 years. The bill would delete the 10-year retention period and instead require these materials to be kept as prescribed by state Supreme Court rules.

The bill would delete the following provisions pertaining to transcriptions of testimony:

- Requiring a transcription of testimony only when ordered by the court or a party.
- Requiring notes pertaining to a hearing for the admission of a person to a hospital or other place of detention as a mentally ill or developmentally disabled person or as a person with a contagious disease to be destroyed only after the discharge of the person from the institution (the provision applies except in cases in which the testimony was transcribed and filed with the case record).

- Prohibiting the destruction of notes until after 10 years after the date of the hearing or as provided above, whichever is longer.

Sec. 1427 changes: With some exceptions (such as technical words or the proper and known names of process) writs, process, proceedings, and records in any state court must be in the English language. The provision goes on to specify that these documents must be made out on paper, not abbreviated (with some exceptions), and numbers expressed by Arabic figures or Roman numerals. The bill would delete the latter provision and instead specify that the documents would be required to be made out in the manner and on any medium authorized by state Supreme Court rules.

The bill would also allow an electronic signature as prescribed by Supreme Court rules to satisfy a signature requirement on any document filed with or created by a court.

MCL 600.832, 600.859, and 600.1427

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ 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.