

HOUSE BILL No. 4532

April 10, 2013, Introduced by Rep. Price and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 832, 859, and 1427 (MCL 600.832, 600.859, and
600.1427), section 859 as amended by 2005 PA 326.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 832. ~~(1) The probate judge or chief probate judge~~ **CLERK**
2 **OF THE PROBATE COURT** shall have possession of the seal, records,
3 books, files, and papers belonging to the probate court in the
4 respective county or probate court district . ~~Each judge shall keep~~
5 ~~a true and correct record of each order, sentence, and decree of~~
6 ~~the court, and of all other official acts made or done by him, and~~
7 ~~of all wills proved therein with the probate thereof, of all~~
8 ~~letters of authority and of all other things proper to be recorded~~
9 ~~in the court.~~ **AND, IN ACCORDANCE WITH SUPREME COURT RULES, SHALL**
10 **MAINTAIN EVERY RECORD CREATED BY OR FILED WITH THE PROBATE COURT.**

1 ~~—— (2) The records, except as otherwise provided by law, may be~~
2 ~~inspected without charge by all persons interested.~~

3 ~~—— (3) The probate court shall maintain an alphabetical index to~~
4 ~~the records of probate court proceedings in each county.~~

5 Sec. 859. (1) The following testimony before a probate judge
6 shall be recorded:

7 (a) Testimony in contested matters.

8 (b) Testimony in matters pertaining to the admission to a
9 hospital or other facility for mentally ill or developmentally
10 disabled persons.

11 (c) Testimony in matters pertaining to persons having a
12 contagious disease.

13 (d) Testimony in other matters if requested by an interested
14 party.

15 (e) Testimony and other proceedings required by supreme court
16 rule.

17 (2) In matters not governed by subsection (1), testimony
18 before a probate judge, probate register, or deputy probate
19 register may be given orally without a record being made of the
20 testimony.

21 (3) The court shall keep sufficient index of the testimony and
22 the court shall keep the index and the original notes ~~for at least~~
23 ~~10 years~~ **AS PRESCRIBED BY SUPREME COURT RULES.** ~~The reporter or~~
24 ~~recorder need not transcribe the testimony unless a transcript is~~
25 ~~ordered by the court or a party. Except in those cases in which the~~
26 ~~testimony is transcribed and filed with the record of the case,~~
27 ~~notes pertaining to a hearing for the admission of any person to a~~

1 ~~hospital or other place of detention as a mentally ill or~~
2 ~~developmentally disabled person or as a person with a contagious~~
3 ~~disease shall be destroyed only after the discharge of the person~~
4 ~~from the hospital or facility.~~

5 ~~—— (4) Notes may not be destroyed until after 10 years after the~~
6 ~~date of the hearing or as provided in subsection (3), whichever is~~
7 ~~longer.~~

8 Sec. 1427. All writs, process, proceedings and records in any
9 court within this state ~~, shall be in the English language, +~~
10 except that the proper and known names of process, and technical
11 words, may be expressed in the language heretofore and now commonly
12 used, ~~), and shall be made out on paper, in a fair, legible~~
13 ~~character, in words at length, and not abbreviated; but such~~
14 ~~abbreviations as are now commonly used in the English language may~~
15 ~~be used, and numbers may be expressed by Arabic figures, or Roman~~
16 ~~numerals, in the customary manner.~~**IN THE MANNER AND ON ANY MEDIUM**
17 **AUTHORIZED BY SUPREME COURT RULES. IF A SIGNATURE IS REQUIRED ON**
18 **ANY DOCUMENT FILED WITH OR CREATED BY A COURT, THAT REQUIREMENT IS**
19 **SATISFIED BY AN ELECTRONIC SIGNATURE AS PRESCRIBED BY SUPREME COURT**
20 **RULES.**