

MAGISTRATE RESIDENCY REQUIREMENTS: REVISE FOR CONCURRENT JURISDICTIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 453 (S-1 as passed by the Senate)

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 3-14-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill will allow a district court magistrate in one of the district courts of a city within a concurrent jurisdiction to serve in the district court of a different city if that court is within the concurrent jurisdiction. The bill applies only to a district of the third class.

Senate Bill 453 amends the Revised Judicature Act (RJA) to allow a person to be appointed as a magistrate in a district of the third class if the person is a registered elector in the district where appointed or in an adjoining district if the appointment is made under a plan of concurrent jurisdiction adopted under Chapter 4 of the RJA. This would apply also to an appointment for the 36th District (City of Detroit). Currently, a person must be a registered elector in the district in which he or she will serve as a magistrate.

The bill would take effect 90 days after enactment.

MCL 600.8501

BACKGROUND INFORMATION:

A district court magistrate is an employee of a district court, is not elected, and may or may not be an attorney. The duties of a district court magistrate (DCM) are authorized in statute under Section 8511 of the Revised Judicature Act; however, a DCM may only engage in duties specifically authorized by the chief judge (or only judge) of the district court that employs the DCM. Duties may include issuing arrest warrants, presiding over civil infraction proceedings (e.g., traffic offenses and municipal and state civil infraction cases), and conducting the first appearance of a defendant in all criminal and ordinance violation cases.

A district of the third class is a district consisting of one or more political subdivisions within a county where each political subdivision constituting the district is responsible for maintaining, financing, and operating the district court within its respective political subdivision, except as otherwise provided in the RJA. Under recommendations by the Supreme Court Administrative Office, and as approved by the Legislature, certain court districts may be merged or consolidated for efficiency and cost savings.

The third class district courts are located in the following counties: Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne. The 36th District Court is located in the City of Detroit.

FISCAL IMPACT:

The bill would have no fiscal impact on the state. Third class district courts and the 36th District Court could experience savings. Savings could be achieved as a result of the sharing of resources when appointing magistrates from adjoining districts.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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