

SENATE BILL No. 281

April 16, 2015, Introduced by Senators SCHUITMAKER and JONES and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8322 (MCL 600.8322), as amended by 2005 PA 326.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8322. (1) ~~A person~~ **AN INDIVIDUAL** serving as a bailiff of
2 the common pleas court of Detroit on August 31, 1981, ~~pursuant to~~
3 **UNDER** an appointment under section 23 of former 1929 PA 260, shall
4 become a bailiff of the district court in the thirty-sixth district
5 on September 1, 1981. A bailiff ~~shall be~~ **IS** considered a court
6 officer under section 8321(1) for the exclusive purpose of serving
7 civil process in a civil action commenced in the district court in
8 the thirty-sixth district, except for process issued in a summary
9 proceeding under chapter 57. All process issued by the district

1 court in civil actions shall be rotated among the bailiffs pursuant
 2 ~~to~~ **UNDER** rules adopted by the court. A bailiff shall file with the
 3 clerk of the court a surety bond in the amount of \$100,000.00 with
 4 a surety company. The **DISTRICT CONTROL UNIT SHALL PAY THE** premium
 5 on the surety bond. ~~shall be paid by the district control unit.~~ A
 6 bailiff ~~shall possess~~ **HAS** only the powers necessary to serve
 7 process issued by the court. A bailiff governed pursuant to **UNDER**
 8 this subsection may bear arms while in office and in the exercise
 9 of his or her duties as bailiff. A bailiff shall hold office until
 10 death, retirement, resignation, or removal from office by the court
 11 for **INABILITY TO PERFORM ESSENTIAL FUNCTIONS OF THE OFFICE OR FOR**
 12 misfeasance or malfeasance in office. A vacancy in the office of
 13 bailiff as established pursuant to **UNDER** this subsection shall not
 14 be filled.

15 (2) ~~A person~~ **AN INDIVIDUAL** serving as a bailiff of the common
 16 pleas court on August 31, 1981, pursuant to **UNDER** an appointment
 17 under section 31 of former 1929 PA 260, shall become a bailiff of
 18 the district court in the thirty-sixth district on September 1,
 19 1981. A bailiff ~~shall be~~ **IS** considered a court officer under
 20 section 8321(1) for the exclusive purpose of serving civil process
 21 in summary proceedings commenced under chapter 57 in the district
 22 court in the thirty-sixth district. All process issued by the
 23 district court in summary proceedings shall be rotated among the
 24 bailiffs pursuant to **UNDER** rules adopted by the court, except that
 25 a writ of restitution ~~shall~~ **MUST** be issued to the bailiff to whom
 26 the summons was issued in the particular proceeding. A bailiff
 27 shall file with the clerk of the court a surety bond in an amount

1 of \$100,000.00 with a surety company. The **DISTRICT CONTROL UNIT**
 2 **SHALL PAY THE** premium on the surety bond. ~~shall be paid by the~~
 3 ~~district control unit.~~ A bailiff governed ~~pursuant to~~ **UNDER** this
 4 subsection ~~shall be~~ **IS** considered a peace officer only for the
 5 purpose of receiving compensation provided by 1937 PA 329, MCL
 6 419.101 to 419.104. A bailiff shall hold office until death,
 7 retirement, resignation, or removal from office by the court for
 8 **INABILITY TO PERFORM ESSENTIAL FUNCTIONS OF THE OFFICE OR FOR**
 9 misfeasance or malfeasance in office. A vacancy in the office of
 10 bailiff established ~~pursuant to~~ **UNDER** this subsection shall not be
 11 filled.

12 (3) A bailiff governed ~~pursuant to~~ **UNDER** this section shall
 13 keep a written record of the date, amount, and nature of each
 14 financial transaction conducted by the bailiff in the course of his
 15 or her service as bailiff. ~~An~~ **THE DISTRICT CONTROL UNIT SHALL**
 16 **ANNUALLY CONDUCT AN** audit of each bailiff's financial transactions
 17 ~~shall be conducted annually by the district control unit and~~
 18 ~~reported~~ **AND REPORT THE AUDIT** immediately to the judges of the
 19 district. If the audit prescribed by this subsection is not
 20 conducted by the district control unit before June 30 of any year,
 21 the judges of the court shall contract with a certified public
 22 accountant to perform the audit. If a certified public accountant
 23 is required to perform the audit, the **DISTRICT CONTROL UNIT SHALL**
 24 **PAY THE** cost of the audit. ~~shall be paid by the district control~~
 25 ~~unit.~~

26 (4) Upon the existence of a vacancy in the office of bailiff
 27 established under this section, the chief judge of the district may

1 appoint a court officer ~~pursuant to~~ **UNDER** section 8321(1).

2 (5) A bailiff serving civil process ~~pursuant to~~ **UNDER**
3 subsection (1) or (2) shall be compensated by salary and the fees
4 and mileage prescribed in section 8326. A full-time bailiff, as
5 defined by the employer designated under section 8274(2) or (3),
6 shall receive from the city of Detroit a \$20,000.00 annual salary.
7 For each part-time bailiff, as defined by the employer designated
8 under section 8274(2) or (3), the employer designated under section
9 8274(2) or (3) shall establish a salary ~~which~~ **THAT** is a pro rata
10 portion of \$20,000.00 based on that portion of a full-time
11 bailiff's workload to be assigned to the bailiff. A bailiff ~~covered~~
12 ~~by~~ **DESCRIBED IN** this subsection is not entitled to any compensation
13 from the city of Detroit other than that specifically authorized in
14 this subsection.

15 (6) A bailiff serving civil process ~~pursuant to~~ **UNDER**
16 subsection (1) or (2) shall not become a member of the state
17 employees' retirement system created by the state employees'
18 retirement act, 1943 PA 240, MCL 38.1 to 38.69. Beginning September
19 1, 1981, the city of Detroit shall contribute to the retirement
20 system in which the bailiff is a member on August 31, 1981, an
21 amount equal to the amount ~~which~~ **THAT** the state would have
22 contributed to the state employees' retirement system ~~pursuant to~~
23 **UNDER** the state employees' retirement act, 1943 PA 240, MCL 38.1 to
24 38.69, if the bailiff had become a member of the state employees'
25 retirement system, based on the salary paid by the city of Detroit
26 ~~pursuant to~~ **UNDER** subsection (5). Beginning September 1, 1981, each
27 bailiff shall continue to contribute to the retirement system in

1 which the bailiff is a member on August 31, 1981, as required by
2 ordinance, based on salary and fees received ~~pursuant to~~ **UNDER**
3 subsection (5), except mileage.

4 (7) From each filing fee collected under section 8371, the
5 clerk of the court shall pay to the Wayne county retirement system
6 ~~the sum of \$1.00~~, to be credited to the retirement fund of the
7 bailiffs of the district court in the thirty-sixth district serving
8 civil process ~~pursuant to~~ **UNDER** subsection (1). The county of Wayne
9 shall annually review the retirement fund and shall ensure that the
10 fund is maintained in an actuarially sound condition. Copies of the
11 actuarial reports shall be provided to the employer designated
12 under section 8274(2) or (3) and to the chief judge of the thirty-
13 sixth district.

14 (8) From each filing fee collected for filing a summary
15 proceeding under section 5756, the clerk of the court shall pay to
16 the Wayne county retirement system ~~the sum of \$1.00~~ for each
17 defendant served in the proceeding, to be credited to the
18 retirement fund of the bailiffs of the district court in the
19 thirty-sixth district serving civil process ~~pursuant to~~ **UNDER**
20 subsection (2). However, the amount credited to the retirement fund
21 under this subsection shall not exceed 1/2 of the fee collected in
22 a proceeding. The county of Wayne shall annually review the
23 retirement fund and shall ensure that the fund is maintained in an
24 actuarially sound condition. Copies of the actuarial reports shall
25 be provided to the employer designated under section 8274(2) or (3)
26 and to the chief judge of the thirty-sixth district.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.