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BILL



ANALYSIS

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House Bill 6344 (Substitute H-2 as passed by the House)

Sponsor: Representative Sam Singh

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 12-10-18

CONTENT

The bill would amend the Revised Judicature Act to do the following:

- **Allow the Ingham County Board of Commissioners and the cities of Lansing and East Lansing to approve the consolidation of the 54th-A (Lansing), 54th-B (East Lansing), and 55th (Mason) Judicial Districts before November 1, 2019.**
- **Specify how judgeships would be determined, if the consolidated 55th district were created.**
- **Specify the selection of jurors in criminal cases, if the consolidated 55th district were created.**

Consolidation Approval

Under the Act, the 54th-A Judicial District consists of the City of Lansing and has four judges. The 54th-B Judicial District consists of the City of East Lansing and has two judges. The 55th Judicial District consists of Ingham County, except for Lansing and East Lansing, and has two judges.

Under the bill, if the Ingham County Board of Commissioners, and the cities of Lansing, and East Lansing approved by resolutions the consolidation of the 54th-A, 54th-B, and 55th Judicial Districts before November 1, 2019, all of the following would apply, beginning March 1, 2020:

- The 54th-A and 54th-B districts would be abolished, and the 55th district would consist of all of Ingham County and have eight judges.
- All full-time employees of the former 54th-A and 54th-B districts would have to be transferred to the consolidated 55th district; and, except as otherwise provided in any consolidation agreement by the district control units of the former 54th-A, 54th-B, and 55th districts, salary, seniority rights, annual leave, sick leave, and retirement benefits of the transferred employees would have to be preserved and continued in their positions in the consolidated 55th district in a manner not inferior to their prior status.
- By proposing or authorizing the consolidation of the 54th-A, 54th-B, and 55th districts, the Legislature would not create a new obligation for any affected district control unit.

If a district court unit, acting through its governing body, approved the consolidation, then the approval would constitute an exercise of the unit's option to increase the level activity and service offered in that unit beyond that which is required by existing law, as the elements of that option were provided by Public Act 101 of 1979 (which provides for State disbursements to local units of government for costs required to implement activities required of local units of government by the State), and a voluntary acceptance by that unit of all expenses and capital improvement that could result from consolidating the districts. However, the exercise of the option would not affect the State's obligation to pay the same portion of

each judge's salary that was paid by the State to other district judges as provided by law, or to appropriate and disburse funds to the unit for the necessary costs of State requirements established by a State law that became effective on or after December 23, 1978.

Judgeships

Under the bill, if the consolidated 55th Judicial District were created, all of the following would apply until eight years after the bill's effective date:

- The 55th district would be divided into the following election divisions: a) the First Division would consist of Lansing and Lansing Township, and have four judges; b) the Second Division would consist of East Lansing, and have two judges; and c) the Third Division would consist of Ingham County, except for Lansing, Lansing Township, and East Lansing, and have two judges.
- Each incumbent district judge from the former 54th-A, 54th-B, and 55th districts would serve as a district judge in the consolidated 55th district.

Each judge from the former 54th-A, 54th-B, and 55th districts would be considered an incumbent in the election division created as described above in which he or she resided.

Eight years after the bill's effective date, the election divisions described above would be abolished, and the consolidated 55th district judges would be elected at-large.

Juror Selection

The bill specifies that if the consolidated 55th district were created, the following would apply:

- A jury trial in the 55th district conducted in connection with a criminal offense or any other event that occurred in Lansing or Lansing Township would have to be before a jury of citizens who were Lansing or Lansing Township residents.
- A jury trial in the 55th district conducted in connection with a criminal offense or any other event that occurred in East Lansing would have to be before a jury of citizens who were East Lansing residents.
- A jury trial held in the 55th district in connection with a criminal offense or other event that occurred in Ingham County, except for Lansing, Lansing Township, and East Lansing, would have to be before a jury of citizens who were Ingham County residents, except for Lansing, Lansing Township, or East Lansing residents.

MCL 600.8125

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate, though likely positive, fiscal impact on the governments of Ingham County and the cities of Lansing and East Lansing. Savings would be realized only if the resolution to consolidate the 54th-A, 54th-B, and 55th District Courts were approved by those respective governing bodies. As the bill would retain all current employees, savings would be realized over time through attrition and eventual administrative efficiencies. The total number of district court judges and judicial salaries to be paid by the State in the proposed consolidated 55th District Court would remain unchanged.

Fiscal Analyst: Abbey Frazier

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.