

HOUSE BILL No. 4754

June 13, 2017, Introduced by Rep. Barrett and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 401, 405, 841, and 8304 (MCL 600.401, 600.405,
600.841, and 600.8304), section 401 as amended by 2012 PA 338,
section 405 as added by 2002 PA 678, and sections 841 and 8304 as
amended by 2013 PA 164, and by adding section 403.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 401. (1) Within each judicial circuit, subject to
2 approval by the supreme court and to the limitations contained in
3 sections 410, 841, and 8304, a plan of concurrent jurisdiction
4 ~~shall~~ **MUST** be adopted by a majority vote of all of the judges of
5 the trial courts in the plan unless a majority of all of the judges
6 of the trial courts in that judicial circuit vote not to have a
7 plan of concurrent jurisdiction. If a majority of all of the judges
8 of the trial courts in a judicial circuit vote not to have a plan

1 of concurrent jurisdiction, the chief judge of the circuit court of
2 that judicial circuit shall report the results of that vote to the
3 state court administrator.

4 (2) A plan of concurrent jurisdiction under this section may
5 provide for 1 or more of the following:

6 (a) The circuit court and 1 or more circuit judges may
7 exercise the power and jurisdiction of the probate court.

8 (b) The circuit court and 1 or more circuit judges may
9 exercise the power and jurisdiction of the district court.

10 (c) The probate court and 1 or more probate judges may
11 exercise the power and jurisdiction of the circuit court.

12 (d) The probate court and 1 or more probate judges may
13 exercise the power and jurisdiction of the district court.

14 (e) The district court and 1 or more district judges may
15 exercise the power and jurisdiction of the circuit court.

16 (f) The district court and 1 or more district judges may
17 exercise the power and jurisdiction of the probate court.

18 (g) If there are multiple district court districts within the
19 judicial circuit, 1 or more district judges may exercise the power
20 and jurisdiction of judge of another district court district within
21 the judicial circuit.

22 **(H) IF THERE ARE MULTIPLE PROBATE COURTS WITHIN THE JUDICIAL**
23 **CIRCUIT, 1 OR MORE PROBATE JUDGES MAY EXERCISE THE POWER AND**
24 **JURISDICTION OF JUDGE OF ANOTHER PROBATE COURT WITHIN THE JUDICIAL**
25 **CIRCUIT.**

26 (3) A plan of concurrent jurisdiction under this section ~~shall~~
27 **MUST** provide for the transfer or assignment of cases between the

1 trial courts affected by the plan and to individual judges of those
2 courts as necessary to implement the plan and to fairly distribute
3 the workload among those judges.

4 (4) A plan of concurrent jurisdiction under this section may
5 include agreements as to other matters involving the operation of
6 the trial courts participating in the plan, as approved by the
7 supreme court.

8 (5) A plan of concurrent jurisdiction becomes effective upon
9 the approval of the plan by the supreme court.

10 (6) This section does not apply to the counties of Genesee,
11 Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne. ~~which have~~
12 ~~district court districts of the third class.~~

13 **SEC. 403. (1) A PLAN OF CONCURRENT JURISDICTION BETWEEN OR**
14 **AMONG JUDICIAL CIRCUITS MAY, SUBJECT TO APPROVAL BY THE SUPREME**
15 **COURT AND TO THE LIMITATIONS CONTAINED IN SECTIONS 410, 841, AND**
16 **8034, BE ADOPTED IF IT IS ADOPTED BY A MAJORITY VOTE OF ALL OF THE**
17 **JUDGES OF THE TRIAL COURTS IN THE PLAN.**

18 (2) A PLAN OF CONCURRENT JURISDICTION UNDER THIS SECTION MAY
19 PROVIDE FOR 1 OR MORE OF THE FOLLOWING:

20 (A) ONE OR MORE CIRCUIT JUDGES IN 1 JUDICIAL CIRCUIT MAY
21 EXERCISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT IN THE
22 OTHER JUDICIAL CIRCUIT.

23 (B) ONE OR MORE CIRCUIT JUDGES IN 1 JUDICIAL CIRCUIT MAY
24 EXERCISE THE POWER AND JURISDICTION OF THE PROBATE COURT IN THE
25 OTHER JUDICIAL CIRCUIT.

26 (C) ONE OR MORE CIRCUIT JUDGES IN 1 JUDICIAL CIRCUIT MAY
27 EXERCISE THE POWER AND JURISDICTION OF THE DISTRICT COURT IN THE

1 OTHER JUDICIAL CIRCUIT.

2 (D) ONE OR MORE PROBATE JUDGES IN 1 JUDICIAL CIRCUIT MAY
3 EXERCISE THE POWER AND JURISDICTION OF THE PROBATE COURT IN THE
4 OTHER JUDICIAL CIRCUIT.

5 (E) ONE OR MORE PROBATE JUDGES IN 1 JUDICIAL CIRCUIT MAY
6 EXERCISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT IN THE
7 OTHER JUDICIAL CIRCUIT.

8 (F) ONE OR MORE PROBATE JUDGES IN 1 JUDICIAL CIRCUIT MAY
9 EXERCISE THE POWER AND JURISDICTION OF THE DISTRICT COURT IN THE
10 OTHER JUDICIAL CIRCUIT.

11 (G) ONE OR MORE DISTRICT JUDGES IN 1 JUDICIAL CIRCUIT MAY
12 EXERCISE THE POWER AND JURISDICTION OF THE DISTRICT COURT IN THE
13 OTHER JUDICIAL CIRCUIT.

14 (H) ONE OR MORE DISTRICT JUDGES IN 1 JUDICIAL CIRCUIT MAY
15 EXERCISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT IN THE
16 OTHER JUDICIAL CIRCUIT.

17 (I) ONE OR MORE DISTRICT JUDGES IN 1 JUDICIAL CIRCUIT MAY
18 EXERCISE THE POWER AND JURISDICTION OF THE PROBATE COURT IN THE
19 OTHER JUDICIAL CIRCUIT.

20 (3) A PLAN OF CONCURRENT JURISDICTION UNDER THIS SECTION MUST
21 PROVIDE FOR THE TRANSFER OR ASSIGNMENT OF CASES BETWEEN THE TRIAL
22 COURTS AFFECTED BY THE PLAN AND TO INDIVIDUAL JUDGES OF THOSE
23 COURTS AS NECESSARY TO IMPLEMENT THE PLAN AND TO FAIRLY DISTRIBUTE
24 THE WORKLOAD AMONG THOSE JUDGES.

25 (4) A PLAN OF CONCURRENT JURISDICTION UNDER THIS SECTION MAY
26 INCLUDE AGREEMENTS CONCERNING OTHER MATTERS INVOLVING THE OPERATION
27 OF THE TRIAL COURTS PARTICIPATING IN THE PLAN, AS APPROVED BY THE

1 SUPREME COURT.

2 (5) A PLAN OF CONCURRENT JURISDICTION UNDER THIS SECTION
3 BECOMES EFFECTIVE UPON THE APPROVAL OF THE PLAN BY THE SUPREME
4 COURT.

5 (6) THIS SECTION APPLIES TO ALL JUDICIAL CIRCUITS.

6 Sec. 405. Sections **403**, 406, 407, and 408 provide options for
7 adoption of a plan of concurrent jurisdiction in the counties of
8 Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne.⁷
9 ~~which have district court districts of the third class.~~

10 Sec. 841. (1) The probate court has jurisdiction and power as
11 follows:

12 (a) As conferred upon it under the estates and protected
13 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206.

14 (b) As conferred upon it under the mental health code, 1974 PA
15 258, MCL 330.1001 to 330.2106.

16 (c) As conferred upon it under this act.

17 (d) As conferred upon it under another law or compact.

18 (2) ~~In a judicial circuit in which~~ **IF** the probate court is
19 affected by a plan of concurrent jurisdiction adopted under chapter
20 4, the probate court has concurrent jurisdiction with the circuit
21 court, ~~or the district court, or both,~~ **PROBATE COURT, OR DISTRICT**
22 **COURT OR COURTS** as provided in the plan of concurrent jurisdiction,
23 except as to the following matters:

24 (a) The circuit court has exclusive jurisdiction over appeals
25 from the district court and from administrative agencies as
26 authorized by law.

27 (b) The circuit court has exclusive jurisdiction and power to

1 issue, hear, and determine prerogative and remedial writs
2 consistent with section 13 of article VI of the state constitution
3 of 1963.

4 Sec. 8304. ~~In a district court district in which~~ **IF** the
5 district court is affected by a plan of concurrent jurisdiction
6 adopted under chapter 4, the district court has concurrent
7 jurisdiction with the circuit court, ~~or the probate court, or both,~~
8 **OR DISTRICT COURT OR COURTS** as provided in the plan of concurrent
9 jurisdiction, except as to the following matters:

10 (a) The circuit court has exclusive jurisdiction over appeals
11 from the district court and from administrative agencies as
12 authorized by ~~statute.~~ **LAW.**

13 (b) The circuit court has exclusive jurisdiction and power to
14 issue, hear, and determine prerogative and remedial writs
15 consistent with section 13 of article VI of the state constitution
16 of 1963.

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.