

Legislative Analysis



ADDITION OF CIRCUIT JUDGESHIP IN OTTAWA COUNTY

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House Bill 5259 as reported from committee
Sponsor: Rep. Luke Meerman
Committee: Judiciary
Complete to 10-11-21

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

BRIEF SUMMARY: House Bill 5259 would amend the Revised Judicature Act to authorize the 20th Judicial Circuit, which consists of Ottawa County, to have an additional judge beginning January 1, 2023.

FISCAL IMPACT: Costs for adding one circuit court judgeship and associated personnel would be incurred by the state and the county, respectively. The state pays the salary, the employer portion of FICA taxes, and retirement benefits for circuit court judges. Fringe benefits, personnel costs, and costs for supplies, equipment, and office space are paid for by the local court system. Currently, the cost to the state to add one circuit court judgeship would be \$182,525 annually. Information is not yet available on what the salary amount would be starting January 1, 2023, the effective date of the bill. State costs are funded with roughly 97% state GF/GP revenue. The cost to the local unit for one judgeship is unknown, as local costs for judgeships vary by area.

THE APPARENT PROBLEM:

The State Court Administrative Office (SCAO) reviews Michigan's judicial needs every two years and compiles its findings in the Judicial Resources Recommendations (JRR). The report provides recommendations regarding the addition or removal of judgeships so that judicial resources are equitably distributed across the state. According to committee testimony, the most recent JRR, from 2019, identified a need for an additional judge in the 20th Judicial Circuit.¹

THE CONTENT OF THE BILL:

The bill would add a judgeship to the 20th Judicial Circuit, which consists of Ottawa County, effective January 1, 2023. This would increase the number of judges in the circuit from three to four. If the judgeship were added, the initial term of office would be eight years. The addition of the judgeship would be subject to section 550 of the act, which allows the legislature to authorize an additional circuit judgeship to be filled by election if the county board of commissioners in each county in the circuit adopts a resolution approving the creation of the judgeship and certain filing requirements are met.

MCL 600.521

¹ <https://www.courts.michigan.gov/publications/statistics-and-reports/judicial-resources-recommendations-reports/>.

BACKGROUND:

According to SCAO, there are 57 circuit courts in Michigan, to which judges are elected for six-year terms. The circuit court is a trial court that handles all civil cases with claims of more than \$25,000 and all felony criminal cases. The family division of circuit court handles all cases regarding divorce, paternity, adoptions, personal protection actions, emancipation of minors, treatment and testing of infectious disease, safe delivery of newborns, name changes, juvenile offenses and delinquency, juvenile guardianship, and child abuse and neglect. In addition, the circuit court hears cases appealed from the other trial courts or from administrative agencies. The friend of the court office is part of the family division of the circuit court and handles domestic relations cases when minor children are involved.²

ARGUMENTS:***For:***

Supporters of the bill argue that because the population of Ottawa County continues to grow, a new judgeship is necessary to keep up with the resulting increase in caseloads. An additional judge is needed for the 20th Judicial Circuit continues to serve residents appropriately and ensure that individuals are not unnecessarily waiting in jail for an available court hearing.

Against:

No arguments against the bill were presented in House committee.

POSITIONS:

Representatives of the State Court Administrative Office testified in support of the bill.
(9-28-21)

The Chief Judge of the 20th Judicial Circuit Court testified in support of the bill. (9-28-21)

Legislative Analyst: Emily S. Smith
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■ 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.

² <https://www.courts.michigan.gov/courts/trial-courts/>.