

HOUSE BILL NO. 4184

February 09, 2021, Introduced by Reps. O'Neal, Brixie, Thanedar, Liberati, Ellison, Brenda Carter, Aiyash, Hope, Sowerby, Tyrone Carter, Steckloff, Cavanagh, Hood, Coleman, Stone, Garza, Koleszar, Yancey and Rabhi and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8512 (MCL 600.8512), as amended by 2014 PA 384.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8512. (1) A district court magistrate may hear, and
2 preside over, ~~civil infraction admissions, admissions with~~
3 ~~explanation, motions to set aside default or withdraw admissions,~~
4 and conduct ~~informal hearings~~ **any of the following** in civil
5 infraction actions under section 746 of the Michigan vehicle code,

1 1949 PA 300, MCL 257.746, **the Michigan Regulation and Taxation of**
 2 **Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967**, or section
 3 8719 or ~~section 8819~~ of this act, **or in civil fine actions under**
 4 **the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to**
 5 **333.26430**, as applicable: -

6 (a) **Admissions.**

7 (b) **Admissions with explanation.**

8 (c) **Motions to set aside default or withdraw admissions.**

9 (d) **Informal hearings.**

10 (2) In exercising the authority conferred ~~by this subsection,~~
 11 **under subsection (1)**, a district court magistrate may administer
 12 oaths, examine witnesses, and make findings of fact and conclusions
 13 of law. If a defendant is determined to be responsible for a civil
 14 infraction, **or, under the Michigan Medical Marihuana Act, 2008 IL**
 15 **1, MCL 333.26421 to 333.26430, a civil fine**, the district court
 16 magistrate may impose the civil sanctions authorized by section 907
 17 of the Michigan vehicle code, 1949 PA 300, MCL 257.907, **the**
 18 **Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL**
 19 **333.27951 to 333.27967, the Michigan Medical Marihuana Act, 2008 IL**
 20 **1, MCL 333.26421 to 333.26430**, or section 8827 of this act, as
 21 applicable.

22 (3) ~~(2)~~ A district court magistrate shall not conduct an
 23 informal hearing in a civil infraction action involving a traffic
 24 or parking violation governed by the Michigan vehicle code, 1949 PA
 25 300, MCL 257.1 to 257.923, until he or she has successfully
 26 completed a special training course in traffic law adjudication and
 27 sanctions. The course ~~shall~~ **must** be given periodically by the state
 28 court administrator.

29 (4) ~~(3)~~ A district court magistrate may exercise the authority

1 conferred by this section only to the extent expressly authorized
2 by the chief judge, presiding judge, or only judge of the district
3 court district.