

SENATE BILL NO. 665

November 09, 2023, Introduced by Senator HOITENGA and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 8501 and 8507 (MCL 600.8501 and 600.8507),
section 8501 as amended by 2016 PA 165 and section 8507 as amended
by 2005 PA 326.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8501. (1) In a county ~~that elects by itself~~ **with** fewer
2 than 2 district judges, the county board of commissioners shall
3 provide for 1 district court magistrate. In all other counties in
4 districts of the first and second class, the county board of
5 commissioners shall provide for not less than 1 magistrate if

1 recommended by the judges of the district. Additional magistrates
2 may be provided by the board ~~upon~~**on** recommendation of the judges.
3 All magistrates provided for ~~shall~~**must** be appointed by the judges
4 of the district and the appointments ~~shall be~~**are** subject to
5 approval by the county board of commissioners before ~~a person~~**an**
6 **individual** assumes the duties of the office of magistrate.

7 (2) In each district of the third class, the judge or judges
8 of the district may appoint 1 or more district court magistrates. A
9 ~~person shall not be appointed magistrate unless the person is a~~
10 ~~registered elector in the district for which the person was~~
11 ~~appointed or in an adjoining district if the appointment is made~~
12 ~~under a plan of concurrent jurisdiction adopted under chapter 4.~~
13 Before ~~a person~~**an individual** assumes the duties of the office of
14 magistrate in a district of the third class, the appointment of
15 that ~~person~~**individual** as a district court magistrate is subject to
16 approval by the governing body or bodies of the district control
17 unit or units that, individually or in the aggregate, contain more
18 than 50% of the population of the district. This subsection does
19 not apply to the thirty-sixth district.

20 (3) **Until the effective date of the amendatory act that added**
21 **this subsection, an individual must not be appointed as a district**
22 **court magistrate under subsection (1) or (2) unless the individual**
23 **is a registered elector in the district for which the individual**
24 **would be appointed or in an adjoining district if the appointment**
25 **is made under a plan of concurrent jurisdiction adopted under**
26 **chapter 4. Beginning on the effective date of the amendatory act**
27 **that added this subsection, an individual must not be appointed as**
28 **a district court magistrate under subsection (1) or (2) unless the**
29 **individual resides in or is employed in the county to which the**

1 individual would be appointed or in an adjoining district if the
 2 appointment is made under a plan of concurrent jurisdiction adopted
 3 under chapter 4.

4 (4) ~~(3)~~—The thirty-sixth district shall ~~must not~~ have ~~not~~ more
 5 than 6 district court magistrates. The chief judge of the thirty-
 6 sixth district may appoint 1 or more magistrates as permitted by
 7 this subsection. If a vacancy occurs in the office of district
 8 court magistrate, the chief judge may appoint a successor. Each
 9 magistrate appointed under this subsection ~~shall serve~~ **serves** at
 10 the pleasure of the chief judge of the thirty-sixth district.

11 (5) ~~(4)~~ ~~A person shall~~ **An individual must** not be appointed
 12 district court magistrate under subsection ~~(3)~~ **(4)** unless the
 13 ~~person~~ **individual** is a registered elector in the district or in an
 14 adjoining district if the appointment is made under a plan of
 15 concurrent jurisdiction adopted under chapter 4.

16 Sec. 8507. (1) ~~Magistrates shall~~ **Until the effective date of**
 17 **the amendatory act that amended this subsection, a magistrate must**
 18 **be a registered electors** ~~elector~~ in the county in which ~~they are a~~
 19 **magistrate is** appointed. **Beginning on the effective date of the**
 20 **amendatory act that amended this subsection, a magistrate must**
 21 **reside in the county in which a magistrate is appointed or be**
 22 **employed in the county in which a magistrate is appointed.** All
 23 magistrates ~~appointed shall serve~~ at the pleasure of the judges of
 24 the district court. Before assuming office, ~~persons appointed~~
 25 ~~magistrates shall~~ **a magistrate must** take the constitutional oath of
 26 office and file a bond with the treasurer of a district funding
 27 unit of that district in an amount determined by the state court
 28 administrator. The bond ~~shall also apply~~ **applies** to temporary
 29 service in another county under subsection (2), (3), or (4), or

~~pursuant to~~ **authorized by** a multiple district plan under subsection (5).

(2) In a district of the first class that consists of more than 1 county, if a magistrate is temporarily absent or incapacitated, the chief or only district judge may ~~direct~~ **issue a written order to** a magistrate of another county of the same district to serve temporarily in the county where the magistrate is temporarily absent or incapacitated. ~~The district judge shall make his or her order in writing.~~ A magistrate serving temporarily under this subsection is not entitled to additional compensation but, ~~shall on certification and approval by the state court administrator, must~~ be reimbursed for actual and necessary expenses incurred during the authorized temporary service. ~~upon certification and approval by the state court administrator. Upon allowance,~~ **On approval,** the reimbursement ~~shall~~ **must** be paid by the state treasurer out of the appropriation for the state court administrative office.

(3) In a district of the first class that consists of more than 1 county, the chief or only district judge may authorize a magistrate appointed in 1 county to serve in another county in the district.

(4) ~~Pursuant to~~ **Under** a multiple district plan **created** under section 8320 involving adjoining districts of the first class, a district court magistrate appointed in a county of 1 district may be authorized to serve in a county of the adjoining district. While serving in the adjoining district, the magistrate ~~shall be~~ **is** subject to the superintending control of the chief or only district judge of that district.

(5) ~~Pursuant to~~ **Under** a multiple district plan **created** under

1 section 8320 involving districts in the same county, a district
2 court magistrate may be authorized to serve in any participating
3 district of the county.