

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961
Chapter 99
REPEALS, SAVINGS CLAUSE AND EFFECTIVE DATE

600.9901 Repeal.

600.9905 Savings clause; special cases and proceedings; law applicable.

600.9906 Special nonsevering clause as to court fees and retirement funds.

600.9911 Effective date of act.

600.9921 Courts abolished; extension of term of certain judges.

600.9922 Transfer of duties and powers to district court; circuit court referees.

600.9923 Municipal judges in third class districts.

Constitutionality: <Paragraph><P>This section was held to constitute an abuse of elective franchise, since only municipal judges were granted right of incumbency designation on the ballot, thereby giving candidate an unfair advantage. <Emph EmphType="underline">Wells</Emph> v <Emph EmphType="underline">Kent County Board of Election Commissioners</Emph>, 382 Mich 112; 168 NW2d 222 (1969).</P></Paragraph>

600.9924 Transfer of files, records, funds, and pending cases of abolished courts to district court; powers and jurisdiction of district court; orders and judgments appealable; exceptions; effect of reconstituting district court districts into single district.

Compiler's Notes: <Paragraph><P>Sections 2 and 4 of Act 438 of 1980 provide:</P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œConditional effective date; action constituting exercise of option; effect of exercising option.</Emph></P></Paragraph><Paragraph><P>â€œSection 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.</P></Paragraph><Paragraph><P>â€œ(2) If the city of Detroit and the county of Wayne, acting through their

governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

Effective date of certain sections.

Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.

600.9924a Destruction of documents or records; exceptions; right to move for order setting aside conviction.

600.9925 Primary election in 1968.

600.9926 Election in 1968; terms.

600.9926a Repealed. 1982, Act 149, Imd. Eff. May 6, 1982.

Compiler's Notes: The repealed section pertained to staggered terms for district judges in certain districts.

600.9927 Election of 1968; terms; determination.

600.9928 Municipal courts; third class district; retention in certain cities.

600.9930 Municipal courts; abolition; function of district court; judges; transfer of cases; employees; municipal judge as district judge; retention of municipal court; resolutions; filing.

600.9931 Detroit recorder's court; abolishment; merger; incumbent judges; transfer of files, records, and pending cases; jurisdiction; appropriation by Wayne county; appointment, supervision, discipline, or dismissal of employees; personal property of court; reimbursement.

600.9932 Judge of municipal court of record; chief judge; recorder; salary; additional salary; increase; cost-of-living allowance or other cash.

600.9934 Commencement of district court function in forty-fifth-a and forty-fifth-b districts; abolition of municipal courts; judges of forty-fifth-a and forty-fifth-b districts; terms; affidavit of candidacy; designation of judge on ballot.

Constitutionality: <Paragraph><P>The legislature, in enacting this section, has not overstepped the boundaries specified in Const 1963, art VI, Â§ 23. <Emph EmphType="underline">Schwartz</Emph> v <Emph EmphType="underline">Secretary of State</Emph>, 393 Mich 42; 222 NW2d 517 (1974).</P></Paragraph>

Compiler's Notes: <Paragraph><P>Sections 2 to 7 of Act 145 of 1974 provide:</P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œEffective date of changes.</Emph></P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œSection 2. The changes in the composition of judicial circuits or district court districts as provided in this amendatory act shall become effective for judicial purposes on January 1, 1975.</P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œElection of additional circuit and district judges; assumption of office; appearance of new judgeships on ballot; nominating petitions; incumbent judges.</Emph></P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œSection 3. The additional circuit and district judges authorized by this amendatory act shall be elected in 1974 and shall assume office on January 1, 1975. The new judgeships authorized by this amendatory act shall appear on the ballot separate and apart from other judicial offices on the ballot in the primary and general election in the respective judicial circuits and district court districts. If another judicial office of the same court is to be filled by election in the same circuit or district, a candidate for a new judgeship authorized in that circuit or district by this amendatory act shall indicate, at the time of filing his nominating petitions, whether he is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in the applicable year. Petitions for a new judgeship created by this act must bear signatures affixed thereto after the effective date of this act. Any incumbent circuit or district judge whose term is expiring January 1, 1975, and who is seeking election to a judicial office of the same court in 1974 is entitled to the designation of his office even if he is a candidate for a new office of the same court authorized by this amendatory act.</P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œNominating petitions.</Emph></P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œSection 4. Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/2 of 1% nor more than 2% of the total number of votes cast in that judicial circuit for secretary of state at the last preceding general November election in which a secretary of state was elected.</P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œNomination, election, and terms of candidates for new circuit judgeships.</Emph></P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œSection 5. Notwithstanding the provisions of sections 3 and 4 of Act No. 169 of the Public Acts of 1972, the 10 candidates for the new circuit judgeships in the third judicial circuit created by Act No. 169 of the Public Acts of 1972 who receive the highest votes in the August primary election shall be deemed nominated for the 5 new judgeships created thereby. Of the additional judgeships so created for the third judicial circuit the candidate receiving the highest number of votes in the 1974 general election shall be elected for a term of 10 years, the candidates receiving the second and third highest number of votes shall be elected for a term of 8 years, and the candidates receiving the fourth and fifth highest number of votes shall be elected for a term of 6 years.</P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œTerms of additional circuit judges.</Emph></P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œSection 6. The additional circuit judges authorized by this amendatory act shall be elected for a term of 6 years except that the additional circuit judge authorized by this amendatory act in the forty-fourth judicial circuit shall be elected for a term of 8 years.</P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œTerms of additional district judges in certain districts.</Emph></P></Paragraph><Paragraph><P><Emph EmphType="bold">â€œSection 7. In districts in which the district court is already functioning on the effective date of this amendatory act, the additional district judges authorized by this amendatory act shall be elected for a term of 6 years, except that the additional district judges authorized in the first election division of the ninth district and in the fifteenth district shall be elected for a term of 8 years and that the additional district judge authorized in the newly divided forty-first-a district shall be elected for a term of 4 years.</P></Paragraph>

600.9935 Twenty-fourth, twenty-fifth, and twenty-seventh districts; commencement of district courts and abolition of municipal courts; municipal or associate municipal judges as judges of district courts; election to district court; affidavit of candidacy; designation on ballot; terms of district judges; certain elections canceled or rendered null and void.

600.9936 Fortieth district and fourth division of fifty-second district; commencement of district courts and abolition of municipal courts; municipal or associate municipal judges as judges of district court; election to district court; affidavit of candidacy; designation on ballot; terms of district judges.

600.9937 Twenty-sixth, twenty-eighth, thirtieth, thirty-first, thirty-second-a, and sixty-second-b districts; commencement of district courts and abolition of municipal courts; municipal judge as district court judge; reduction of district judges by 1; election to district court; affidavit of candidacy; designation on ballot; election and terms of district judges.

600.9938 Twenty-third and fifty-ninth districts; commencement of district courts and abolition of municipal courts; municipal judges as district court judges; election to district court; affidavit of candidacy; designation on ballot; terms of district judges; election and term of district judge in fifty-ninth district.

600.9938a Thirty-eighth district; function and establishment of district court.

600.9939 Causes of action transferred to district court valid and subsisting; orders and judgments appealable; rights and privileges applicable to employees of abolished municipal courts.

600.9940 District court; thirty-second-b district; abolishment of municipal courts; expiration of terms of incumbent municipal judges; election and term of district court judge; causes of action, orders, and judgments; rights and privileges of employees of abolished municipal courts; resolution approving establishment of district court and district judgeship; adoption and filing; notice to state court administrator; second district court judgeship; effect of approval; expenses and capital improvements; obligation of state.

600.9941 District court in thirty-sixth district; commencement; abolition of common pleas court and traffic and ordinance division of recorder's court; election of district judges; incumbent judge of common pleas court as judge of district court; affidavit of candidacy; elections to fill new district judgeships; terms.

Compiler's Notes: <Paragraph><P>Sections 2 and 3 of Act 438 of 1980 provide:</P></Paragraph><Paragraph><P><Emph
EmphType="bold">Conditional effective date; action constituting exercise of option; effect of exercising option.</Emph></P>
</Paragraph><Paragraph><P>Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne,
by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume
responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are

enacted and take effect.

(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

Effective date of Chapter 91 and certain sections.

Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981.

Sections 2, 3, and 4 of Act 146 of 1981 provide:

Repeal of MCL 600.8286, 600.8287, and 600.8288; effective date of repeal; exception.

Except as provided in enacting section 4, sections 8286, 8287, and 8288 of Act No. 236 of the Public Acts of 1961, being sections 600.8286, 600.8287, and 600.8288 of the Compiled Laws of 1970, are repealed effective January 1, 1983.

Effective date of MCL 600.8286, 600.8287, 600.8288, and 600.8501; exception.

Section 3. Except as provided in enacting section 4, sections 8286, 8287, 8288, and 8501 shall take effect December 1, 1981.

Conditional effective date of MCL 600.8286, 600.8287, 600.8288, and 600.8501, and of enacting Section 2; adoption and filing of resolution by city of Detroit; effect of assuming responsibility for expenses.

Section 4. (1) Sections 8286, 8287, 8288, and 8501 and enacting section 2 shall not take effect unless the city of Detroit, by resolution adopted not later than November 30, 1981, by the governing body of the city, agrees to assume responsibility for any expenses required of the city by this amendatory act and an authenticated copy is filed with the secretary of state not later than 4 p.m. November 30, 1981.

(2) If the city of Detroit, acting through its governing body, agrees to assume responsibility for any expenses required of the city by this amendatory act, that action constitutes an exercise of the city's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city of all expenses and capital improvements which may result from establishment of the office of district court referee in the thirty-sixth district of the district court.

The resolution referred to in Section 4 was adopted by the city council of the city of Detroit on November 25, 1981, and an authenticated copy was filed with the secretary of state at 3:30 p.m. on November 30, 1981.

600.9943 District court in thirty-sixth district; administrative duties and powers; facilities.

Compiler's Notes: Sections 2 and 3 of Act 438 of 1980 provide:

Conditional effective date; action constituting exercise of option; effect of exercising option.

Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

Effective date of Chapter 91 and certain sections.

Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981.

600.9944 Repealed. 1996, Act 374, Eff. Oct. 1, 1996.

Compiler's Notes: The repealed section pertained to judicial assistants in district court in thirty-sixth district.

600.9945 District court in thirty-sixth district; definitions; ownership and use of personal property; reimbursement of state for property removed and for compensation of employees; payments to state in quarterly installments; appropriation of funds for operating and maintaining court; cost of new facilities; revenue generated by parking violation bureau; audits; applicability of subsections (1) and (3) through (9).

Compiler's Notes: Sections 2 and 3 of Act 438 of 1980 provide: **Conditional effective date; action constituting exercise of option; effect of exercising option.** Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect. (2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978. The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981. **Effective date of Chapter 91 and certain sections.** Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981.

600.9946 Expired. 1981, Act 2, Eff. June 30, 1985.

Compiler's Notes: The expired section provided for a joint legislative committee on state assumption of trial court operation.

600.9947 Appropriation of funds; purpose; applicability of section; trial court operational expenses; monitor of ratio of court operational expenses to court revenues; report; offset to funds to which county or district funding unit entitled under subsection (1); court revenues defined; receipt of funds by county or political subdivision.

Compiler's Notes: Sections 2 and 4 of Act 438 of 1980 provide: **Conditional effective date; action constituting exercise of option; effect of exercising option.** Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect. (2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978. The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981. **Effective date of certain sections.** Section 4. Sections 304, 555, 563,

564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.

600.9948 Repealed. 2002, Act 92, Eff. Mar. 31, 2003.

Compiler's Notes: The repealed section pertained to election districts.