

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.8125 Fifty-fourth-a district, fifty-fourth-b district, and fifty-fifth district; consolidation by resolution; juror selection requirements.

Sec. 8125. (1) Except as provided in subsection (4), the fifty-fourth-a district consists of the city of Lansing, is a district of the third class, and has 4 judges.

(2) Except as provided in subsection (4), the fifty-fourth-b district consists of the city of East Lansing, is a district of the third class, and has 2 judges.

(3) Except as provided in subsection (4), the fifty-fifth district consists of the county of Ingham except the cities of Lansing and East Lansing, is a district of the second class, and has 2 judges.

(4) If the governing body of the county of Ingham and the cities of Lansing and East Lansing approve by resolutions the consolidation of the fifty-fourth-a, fifty-fourth-b, and fifty-fifth districts before November 1, 2019, all of the following apply beginning March 1, 2020:

(a) The fifty-fourth-a and fifty-fourth-b districts are abolished. The fifty-fifth district consists of all of the territory of the former fifty-fourth-a and fifty-fourth-b district courts and the fifty-fifth district court prior to the effective date of the amendatory act that added this subdivision, the newly constituted fifty-fifth district is a district of the first class, and has 8 judges.

(b) All full-time employees of the former fifty-fourth-a and fifty-fourth-b districts must be transferred to the fifty-fifth district under this subsection. Except as provided in any agreement of consolidation by the district control units of the former fifty-fourth-a and fifty-fourth-b districts and the fifty-fifth district, salary, seniority rights, annual leave, sick leave, and retirement benefits of transferred employees must be preserved and continued in their positions in the fifty-fifth district under this subsection in a manner not inferior to their prior status.

(c) By proposing or authorizing the consolidation of the fifty-fourth-a, fifty-fourth-b, and fifty-fifth districts, the legislature is not creating a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approves the consolidation, then the approval constitutes an exercise of the district control unit's option to increase the level of activity and service offered in that district control unit beyond that required by existing law, as the elements of that option are provided by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by that district control unit of all expenses and capital improvements that may result from the consolidation of the districts. However, the exercise of the option does not affect the state's obligation to pay the same portion of each judge's salary that is paid by the state to other district judges as provided by law, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law that takes effect on or after December 23, 1978.

(5) If the consolidated district is created under subsection (4), all of the following apply until 8 years after the effective date of the amendatory act that added this subsection:

(a) The fifty-fifth district is divided into the following election divisions:

(i) The first division consists of the city of Lansing and the township of Lansing and has 4 judges.

(ii) The second division consists of the city of East Lansing and has 2 judges.

(iii) The third division consists of the county of Ingham, except the cities of Lansing and East Lansing and the township of Lansing, and has 2 judges.

(b) Each incumbent district judge from the former fifty-fourth-a and fifty-fourth-b districts and the fifty-fifth district shall serve as a district judge in the consolidated district. Each judge from the former fifty-fourth-a and fifty-fourth-b districts and the fifty-fifth district is considered an incumbent in the election division created under subdivision (a) in which he or she resides.

(6) Upon the expiration of 8 years after the effective date of the amendatory act that added this subsection, the election divisions created under subsection (5) are abolished and the judges of the fifty-fifth district must be elected at large.

(7) If the consolidated district is created under subsection (4), a jury trial in the fifty-fifth district conducted in connection with a criminal offense or any other cause of action that occurred in the city of Lansing or the township of Lansing must be before a jury of citizens who are residents of those 2 political subdivisions.

(8) If the consolidated district is created under subsection (4), a jury trial in the fifty-fifth district conducted in connection with a criminal offense or any other cause of action that occurred in the city of East Lansing must be before a jury of citizens who are residents of that political subdivision.

(9) If the consolidated district is created under subsection (4), a jury trial in the fifty-fifth district conducted in connection with a criminal offense or any other cause of action that occurred in the county of Ingham, except for the cities of Lansing and East Lansing or the township of Lansing, must be before a jury of citizens

who are residents of the county of Ingham, except for the cities of Lansing or East Lansing or the township of Lansing.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1972, Act 169, Imd. Eff. June 15, 1972;—Am. 1978, Act 164, Imd. Eff. May 25, 1978;—Am. 1980, Act 129, Imd. Eff. May 22, 1980;—Am. 1988, Act 135, Imd. Eff. May 27, 1988;—Am. 1995, Act 112, Imd. Eff. June 29, 1995;—Am. 2012, Act 16, Imd. Eff. Feb. 22, 2012;—Am. 2018, Act 666, Eff. Mar. 29, 2019.

Compiler's note: Sections 2 to 7 of Act 164 of 1978 provide:

“Sections 600.6404, 600.6410, and 600.6413 effective January 1, 1979; effective date of changes in composition of judicial circuits or district court districts.

“Section 2. Sections 6404, 6410, and 6413 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, being sections 600.6404, 600.6410, and 600.6413 of the Compiled Laws of 1970, shall not take effect until January 1, 1979. Except as otherwise provided in sections 524, 527, and 534 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, being sections 600.524, 600.527, and 600.534 of the Compiled Laws of 1970, 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, 1979.

“Election to fill new circuit and district judgeships; term.

“Section 3. Except as otherwise provided in sections 4, 5, 6 and 7, the new circuit and district judgeships created by this amendatory act shall be filled by election pursuant to Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws, for a term of 6 years commencing January 1, 1979.

“Ballot; nominating petition; affidavit of candidacy.

“Section 4. 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 circuit 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 nominating petitions, whether the candidate 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 shall bear signatures affixed to the petition after the effective date of this act. An elected incumbent circuit judge in a circuit in which the number of circuit judges has been increased by this amendatory act may become a candidate in the primary election for that office for any term for which a circuit judge is to be elected at the 1978 general election in that circuit by filing an affidavit of candidacy with the secretary of state not later than 4 days after the effective date of this amendatory act.

“Terms of judges.

“Section 5. Of the 2 additional judgeships created for the third judicial circuit, the candidate receiving the highest number of votes in the 1978 general election shall be elected for a term of 8 years and the candidate receiving the second highest number of votes shall be elected for a term of 6 years. Of the 3 additional judgeships created for the sixth judicial circuit, the candidate receiving the highest number of votes in the 1978 general election shall be elected for a term of 8 years and the candidates receiving the second and third highest number of votes shall be elected for a term of 6 years. Of the 2 additional judgeships created for the thirtieth judicial circuit, the candidate receiving the highest number of votes in the 1978 general election shall be elected for a term of 8 years and the candidate receiving the second highest number of votes shall be elected for a term of 6 years. The additional circuit judges authorized by this amendatory act in the eighth, seventeenth, and twenty-ninth judicial circuits shall be elected for a term of 8 years. The additional circuit judge authorized by this amendatory act in the eighteenth, thirty-first, thirty-eighth, and fortieth judicial circuits shall be elected for a term of 10 years. The additional district judges authorized in the thirty-fifth and forty-first-a districts and in the first division of the fifty-sixth district shall be elected for a term of 4 years.

“Election of additional judges; assumption and term of office.

“Section 6. (1) The additional district judges authorized by this amendatory act in the fifty-fourth-b district and the first division of the fifty-second district shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 4 years.

“(2) The additional circuit judge authorized by this amendatory act in the fourteenth judicial circuit shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 8 years.

“Residence of certain circuit judges; effect.

“Section 7. If the circuit judge elected in the twenty-sixth judicial circuit in 1978 is a resident of the county of Cheboygan on June 6, 1978, that person shall continue during the remainder of his or her term after January 1, 1981 as a judge of the thirty-third judicial circuit and the second circuit judgeship authorized by law for the twenty-sixth judicial circuit shall be filled by election in 1980 for a term of 8 years. If the circuit judge elected in the twenty-sixth judicial circuit in 1978 is a resident of 1 of the counties of Alpena, Montmorency, or Presque Isle on June 6, 1978, that person shall continue during the remainder of his or her term after January 1, 1981 as a judge of the twenty-sixth judicial circuit and the second circuit judgeship authorized by law for the thirty-third judicial circuit shall be filled by election in 1980 for a term of 6 years.”

Section 1 of Act 128 of 1980 provides:

“Enacting sections amended; revised judiciary act of 1961.

“Section 1. Enacting sections 6 and 7 of Act No. 164 of the Public Acts of 1978 are amended to read as follows:

“Election of additional judges; assumption and terms of office.

“Section 6. (1) The additional district judge authorized by this amendatory act in the first division of the fifty-second district shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 8 years.

“(2) The additional circuit judge authorized by this amendatory act in the fourteenth judicial circuit shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 8 years.

“Twenty-sixth judicial circuit; vacancy; residence of candidates; eligibility of electors; failure of Cheboygan county to approve creation of fifty-third judicial circuit and circuit judgeship.

“Section 7. (1) If a vacancy occurs in the twenty-sixth judicial circuit between the effective date of this section, as amended, and June 3, 1980, candidates to fill the unexpired portion of the term shall be residents of the twenty-sixth judicial circuit as that circuit will be constituted on January 1, 1981, pursuant to this act. Electors of the counties of Alcona, Alpena, Montmorency, and Presque Isle shall be eligible to vote in the primary and general elections of 1980 to fill that vacancy and electors of those counties are qualified to sign and circulate nominating petitions for candidates to fill the vacancy.

“(2) If the county of Cheboygan does not approve the creation of the fifty-third judicial circuit and the circuit judgeship proposed for it pursuant to House Bill No. 5553 of the 1980 regular session of the legislature, the second circuit judgeship authorized by law for the thirty-third judicial circuit shall be filled by election in 1980 for a term of 6 years.”

Sections 2 to 5 of Act 129 of 1980 provide:

“New circuit and district judgeships; appearance on ballot; duty of candidate; petitions; filing fee.

“Section 2. The new circuit and district 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 circuits and district court districts. If another judicial office of the same court is to be filled by election in the same circuit, county, or district, a candidate for a new judgeship authorized in that circuit, county, or district by this amendatory act shall indicate, at the time of filing nominating petitions, whether the candidate is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in 1980. Petitions for a new judgeship created pursuant to this amendatory act shall bear signatures affixed to the petition after the date by which all counties in the circuit, all district control units in the district, or, in the case of a probate judgeship, the county, have adopted the resolutions required by law to create that office. Notwithstanding any other provision of law, a nonreturnable filing fee of \$250.00 may be paid up to 4 p.m. on June 3, 1980 in lieu of petitions for new judgeships authorized by this 1980 amendatory act which are to be filled by election in 1980.

“Additional circuit judgeship for third judicial circuit; terms.

“Section 3. If the additional circuit judgeship permitted by this amendatory act for the third judicial circuit is created pursuant to law, the candidate receiving the highest number of votes in the 1980 general election shall be elected for a term of 8 years, and the candidate receiving the second highest number of votes shall be elected for a term of 6 years.

“Additional circuit judgeship for sixteenth judicial circuit; term.

“Section 4. If the additional circuit judgeship permitted by this amendatory act for the sixteenth judicial circuit is created pursuant to law, the first term of that judgeship shall be 8 years.

“Change in composition of affected judicial circuits; effective date.

“Section 5. If a new judicial circuit of the circuit court is created pursuant to section 550a, the change in the composition of the affected judicial circuits shall take effect for judicial purposes on January 1, 1981. If the fifty-fourth judicial circuit is created pursuant to this act, the incumbent circuit judge of the fortieth judicial circuit who resides in Tuscola county shall become the judge of the fifty-fourth judicial circuit on January 1, 1981, and shall serve until the term for which he was elected in the fortieth judicial circuit expires.”

Section 2 of Act 135 of 1988 provides:

“Any additional district judgeship to be added by election in 1988 shall not be authorized to be filled by election unless each district control unit of the district, by resolution adopted by the governing body of the district control unit, approves the creation of that judgeship and unless the clerk of each district control unit adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the tenth Tuesday preceding the August primary for the election to fill the additional district judgeship.”