



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 3 (as introduced 1-15-19)
Sponsor: Senator Peter J. Lucido
Committee: Judiciary and Public Safety

Date Completed: 1-29-19

CONTENT

The bill would amend Chapter 57 (Summary Proceedings to Recover Possession of Premises) of the Revised Judicature Act to include a court officer, a bailiff, and a deputy sheriff among the individuals a court could command to restore a plaintiff to, and put the plaintiff in, full possession of a premises following a judgment for possession in a summary proceeding.

Under Chapter 57, a person entitled to premises may recover possession of the premises by summary proceedings under certain circumstances. ("Summary proceedings" means a civil action to recover possession of premises and to obtain certain ancillary relief as provided by Chapter 57 and by court rules adopted in connection therein.) If a jury or a judge finds that a plaintiff is entitled to possession of the premises, a judgment may be entered in accordance with that finding and may be enforced by a writ of restitution.

Subject to certain time restrictions, a court entering a judgment for possession in a summary proceeding must issue a writ commanding a sheriff, or any other officer authorized to serve the process, to restore the plaintiff to, and put the plaintiff in, full possession of the premises.

The bill would include a court officer, a bailiff, and a deputy sheriff among the individuals a court could command to restore the plaintiff to, and put the plaintiff in, full possession of the premises.

MCL 600.5744

BACKGROUND

Michigan Court Rule 2.103 specifies that a writ of restitution or process requiring the seizure or attachment of property may be served only by:

- A sheriff or deputy sheriff, or a bailiff or court officer appointed by the court for that purpose.
- An officer of the Michigan State Police in an action in which the State is a party.
- A police officer of an incorporated city or village in an action in which the city or village is a party.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.