

SPLIT 2ND DISTRICT COURT

House Bill 5220 as enrolled Public Act 13 of 1998 Second Analysis (8-21-98)

Sponsor: Rep. Michael Nye
House Committee: Judiciary
Senate Committee: Judiciary

THE APPARENT PROBLEM:

The district court act (Public Act 154 of 1968) amended the Revised Judicature Act to create the district court, a court of record, which replaced most of the then-existing hodge podge of municipal and traffic courts across the state. Unless municipalities decided to keep and pay for their own municipal courts (currently, there are five such municipal courts), the act abolished these courts and divided the state into judicial districts of the district court, with judgeships authorized by state statute and created through local resolutions. District courts have jurisdiction over some criminal cases, and over traffic and ordinance violations.

The 2nd District Court is a first class district (that is, a judicial district consisting of one or more entire counties which maintain, finance, and operate the court) consisting of Lenawee and Hillsdale counties. The 2nd judicial district is divided into two election divisions, with Lenawee County making up the first division (with two judges) and Hillsdale County making up the second division (with one judge). Reportedly, over the years since the district court act was enacted, the two divisions of the 2nd District Court have evolved into two separate -- and separately funded -- district courts. Legislation has been introduced that would statutorily reflect current practice.

THE CONTENT OF THE BILL:

The bill would amend the Revised Judicature Act to split the 2nd judicial district, which currently consists of Lenawee and Hillsdale counties and has three judges, into two new first class districts, the 2nd-A judicial district (consisting of Lenawee County), which would have two judges, and the 2nd-B judicial district (consisting of Hillsdale County), which would have one judge.

More specifically, effective January 1, 1999, if Lenawee County approved the creation of the 2nd-A district and if Hillsdale County approved the creation of the 2nd-B district, the 2nd-A district would consist of Lenawee County and the 2nd-B district would consist of Hillsdale County. The creation of the 2nd-A and 2nd-B districts would not take place unless each county filed a resolution of approval with the state court administrator by April 1, 1998. If the new judicial districts were created, the change in the composition of the affected judicial districts would take effect for election purposes on April 1, 1998, and for judicial purposes on January 1, 1999.

Hillsdale County. The incumbent 2nd district judge who currently resides in Hillsdale County (and whose term expires on January 1, 2003) would become the 2nd-A district judge on January 1, 1999, for the balance of his or her elected term if he or she continued to meet other eligibility requirements (including residency) to serve as district judge.

Lenawee County. In Lenawee County, the elected term of one of the two incumbent judges expires on January 1, 1999, the other on January 1, 2003. The incumbent judge whose term expires on January 1, 2003, would become a judge of the 2nd-A district on January 1, 1999, for the rest of his or her elected terms so long as he or she continued to meet other eligibility requirements (including residency) to serve as district judge.

If the judge whose term expires on January 1, 1999, sought re-election (and continued to meet the eligibility requirements) in the 2nd-A District for a term beginning on that date, he or she would be entitled to be designated as "incumbent" on the ballots for the 1998 August primary election and the following November general election, and could

qualify for nomination by filing an affidavit of candidacy as an incumbent judge of the 2nd-A District Court under the Michigan Election Law.

MCL 600.8112

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no state or local fiscal impact. (1-28-98)

ARGUMENTS:

For:

In this era of court reorganization, it makes sense to statutorily reorganize the 2nd District Court. Reportedly, each of the 2nd district's two divisions already are funded by the county each court serves, and each court has its own administrative structure and scheduling system. The two counties have passed resolutions approving the proposed division, and the bill would statutorily formalize the current operation of these courts.

Analyst: S. Ekstrom

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.