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SFA**BILL ANALYSIS**

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Senate Bills 752 and 753 (as introduced 10-14-97)
Sponsor: Senator Joe Young, Jr.
Committee: Judiciary

Date Completed: 2-10-98

CONTENT

Senate Bills 752 and 753 would amend the Michigan Uniform Municipal Court Act and the Code of Criminal Procedure, respectively, to revise the process for appeals from municipal courts.

The bills are tie-barred.

Senate Bill 752

The Michigan Uniform Municipal Court Act specifies that appeals in criminal cases may be taken as a matter of right from a city's municipal court to the circuit court of the county in which the city is located, in the same manner and time as is provided by law for appeals in criminal cases from the former justice courts or as otherwise provided by law. The Code of Criminal Procedure provides that an appeal to the circuit court from a municipal court is a de novo proceedings (i.e., the circuit court hears the case anew, rather than reviewing the record of the original trial).

Under the bill, that provision in the Uniform Municipal Court Act would apply except that an appeal in a civil action or a criminal case from a municipal court of a city that adopted a resolution under the bill would have to be taken from the municipal court to the circuit court, and the appeal would not be a de novo proceeding in circuit court. The conditions, manner, and time of the appeal would have to be the same as provided by law and by Supreme Court rule for appeals in civil actions or criminal cases from the district court. The proposed provision would apply only in a city that maintained a municipal court on the bill's effective date and that, by resolution of the city's legislative body, agreed to assume any local financial obligations that could arise out the appeal. A resolution required under the bill would not be valid unless it were adopted and submitted to the State Court Administrative Office within 180 days after the bill's effective date.

Senate Bill 753

Under the Code of Criminal Procedure, in a misdemeanor or ordinance violation case appealable as of right from a court of record to the circuit court, a motion for a new trial must be made within 20 days after entry of the judgment. Under the bill, this provision also would apply to cases appealable from a municipal court in a city that adopted a resolution under Senate Bill 752.

The Code specifies that, in a misdemeanor or ordinance violation case tried in the district court, there is a right of appeal to the circuit court in the county in which the misdemeanor or ordinance violation was committed. Senate Bill 753 would include in this provision a case tried in a municipal court in a city that adopted a resolution of approval under Senate Bill 752.

The Code specifies that a defendant who is convicted of a misdemeanor or ordinance violation in a municipal court may appeal to the circuit court for a trial de novo, even if the sentence has been suspended or the fine or costs, or both, have been paid. If a defendant who appeals a conviction in municipal court is found not guilty on appeal in the circuit court, the circuit court must discharge the defendant. If a defendant takes an appeal from a municipal court and withdraws the appeal, or if the circuit court dismisses the appeal, leaving the municipal court conviction in effect, the circuit court may enter an order revoking a recognizance and also may direct that the municipal court's sentence be carried out. Under Senate Bill 753, these provisions would apply to a case in a municipal court in a city that did *not* adopt a resolution under Senate Bill 752.

MCL 730.523 et al. (S.B. 752)
770.2 et al. (S.B. 753)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have a minimal fiscal impact and should result in overall administrative savings due to the reduced time of proceedings in appeals in circuit court. Costs would result from recording jury trials in municipal courts. There are five municipal courts in Michigan (Eastpointe, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, and Grosse Pointe Shores and Woods).

Fiscal Analyst: B. Bowerman

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