

REPRINT
SUBSTITUTE FOR
HOUSE BILL NO. 6498

(As passed the House, December 4, 2002)

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 504, 517, 803, 807, 810a, and 5805 (MCL 600.504,
600.517, 600.803, 600.807, 600.810a, and 6005805), section 504
as amended by 2001 PA 254, section 517 as amended by 2001 PA 257,
section 803 as amended by 2001 PA 253, section 807 as added by 1978 PA
543,
section 810a as added by 2002 PA 92, section 5805 as amended by 2000 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 504. (1) The third judicial circuit consists of the
2 county of Wayne and has the following number of judges:
3 (a) Until 12 noon, January 1, 2003, 64 judges.
4 (b) Beginning 12 noon, January 1, 2003, ~~and until 12 noon,~~
5 ~~January 1, 2005,~~ 63 judges; HOWEVER, IF, AFTER 12 NOON, JANUARY
6 1, 2003, A VACANCY OCCURS IN A JUDGESHIP HELD BY AN INCUMBENT
7 JUDGE OF THIS CIRCUIT WHO WOULD BE INELIGIBLE TO SEEK REELECTION
8 TO THAT OFFICE IN 2004, THAT JUDGESHIP IS ELIMINATED UNLESS THE

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1 TOTAL NUMBER OF JUDGESHIPS IN THIS CIRCUIT HAS BEEN REDUCED TO 61
2 BEFORE THAT VACANCY OCCURRED.

3 (c) Beginning 12 noon, January 1, 2005, 61 judges.

4 Sec. 517. The sixteenth judicial circuit consists of the
5 county of Macomb and has 9 judges. Subject to section 550, this
6 circuit may have 2 additional judges effective January 1, 2003,
7 AND 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 2005. If 2 new
8 offices of judge are added to this circuit by election in 2002,
9 the candidate receiving the highest number of votes in the
10 November 2002 general election shall be elected for a term of 8
11 years, and the candidate receiving the second highest number of
12 votes shall be elected for a term of 6 years. IF A NEW OFFICE OF
13 JUDGE IS ADDED TO THIS CIRCUIT BY ELECTION IN 2004, THE TERM OF
14 OFFICE OF THAT JUDGESHIP FOR THAT ELECTION ONLY SHALL BE 8 YEARS.

15 Sec. 803. (1) Except as otherwise provided in this section,
16 each county which is not part of a probate court district created
17 pursuant to sections 808 to 810 or previously created pursuant to
18 law shall have at least 1 judge of probate.

19 (2) Each probate court district created pursuant to law
20 shall have 1 judge of probate.

21 (3) The counties of Berrien, Calhoun, Ingham, Monroe,
22 Muskegon, Saginaw, St. Clair, and Washtenaw shall each have 2
23 judges of probate.

24 (4) UNTIL 12 NOON, JANUARY 1, 2005, THE COUNTY OF GENESEE
25 SHALL HAVE 3 JUDGES OF PROBATE; HOWEVER, IF, AFTER 12 NOON,
26 JANUARY 1, 2003, A VACANCY OCCURS IN THE JUDGESHIP HELD BY THE
27 INCUMBENT PROBATE JUDGE IN GENESEE COUNTY WHOSE TERM OF OFFICE

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1 EXPIRES JANUARY 1, 2005 AND WHO WOULD BE INELIGIBLE TO SEEK
2 REELECTION TO THAT OFFICE IN 2004, THAT PROBATE JUDGESHIP IS
3 ELIMINATED EFFECTIVE 12 NOON, JANUARY 1, 2005. Beginning 12 noon,
4 January 1, 2005, the county of Genesee shall have 2 judges of
5 probate.

6 (5) ~~(4) The counties~~ UNTIL 12 NOON, JANUARY 1, 2005, THE
7 COUNTY of Macomb ~~and~~ SHALL HAVE 3 JUDGES OF PROBATE; HOWEVER,
8 IF THE INCUMBENT PROBATE JUDGE IN MACOMB COUNTY WHOSE TERM OF
9 OFFICE AS PROBATE JUDGE EXPIRES ON JANUARY 1, 2005 IS ELECTED IN
10 2002 TO THE OFFICE OF CIRCUIT JUDGE IN THE SIXTEENTH JUDICIAL
11 CIRCUIT FOR A TERM BEGINNING JANUARY 1, 2003, THAT PROBATE JUDGE-
12 SHIP IS ELIMINATED EFFECTIVE 12 NOON, JANUARY 1, 2005. BEGINNING
13 12 NOON, JANUARY 1, 2005, THE COUNTY OF MACOMB SHALL HAVE 2
14 JUDGES OF PROBATE.

15 (6) THE COUNTY OF Kalamazoo shall ~~each~~ have 3 judges of
16 probate. ~~Until 12 noon, January 1, 2005, the county of Genesee~~
17 ~~shall have 3 judges of probate.~~

18 (7) ~~(5)~~ The county of Kent shall have 4 judges of
19 probate.

20 (8) ~~(6)~~ The county of Oakland shall have 4 judges of
21 probate.

22 (9) ~~(7)~~ The county of Wayne shall have the following
23 number of judges of probate:

24 (a) Until subdivision (b) takes effect, the county of Wayne
25 shall have 9 judges of probate.

26 (b) The county of Wayne shall have 8 judges of probate
27 beginning on the earliest of the following dates:

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1 (i) Upon the ~~expiration of the term of an incumbent probate~~
2 ~~judge who is eligible to seek reelection but who does not file by~~
3 ~~affidavit to seek reelection to that office or who withdraws~~
4 ~~within 3 days after filing by affidavit to seek reelection to~~
5 ~~that office~~ OCCURRENCE OF A VACANCY IN A JUDGESHIP HELD BY AN
6 INCUMBENT PROBATE JUDGE IN WAYNE COUNTY WHOSE TERM EXPIRES ON
7 JANUARY 1, 2005, AND WHO WOULD BE INELIGIBLE TO SEEK REELECTION
8 TO THAT OFFICE IN 2004.

9 (ii) Upon the expiration of the term of an incumbent probate
10 judge who is not eligible to seek reelection to that office.

11 (10) ~~(8)~~ When 1 or more new judges of probate are autho-
12 rized in a county pursuant to this section, the new judgeship or
13 judgeships shall appear on the ballot separate and apart from
14 other judicial offices of the same court in the primary and gen-
15 eral election.

Sec. 807. A probate court district is created in each of the following described districts when a majority of the electors voting on the question in each affected county approves the ~~same~~ PROBATE COURT DISTRICT. The districts shall consist as follows:

(a) The first district consists of the counties of BARAGA, Houghton, and Keweenaw.

(b) The second district consists of the counties of Ontonagon and Gogebic.

(c) The third district consists of the counties of Iron and ~~Baraga~~ DICKINSON.

~~(d) The fourth district consists of the counties of Menominee and Dickinson.~~

~~(D) (e)~~ The fifth district consists of the counties of Schoolcraft and Alger.

(E) ~~(f)~~ The sixth district consists of the counties of Mackinac and Luce.

(F) ~~(g)~~ The seventh district consists of THE COUNTIES OF Emmet and Charlevoix.

(G) ~~(h)~~ The eighth district consists of the counties of Cheboygan and ~~Otsego~~ PRESQUE ISLE.

(H) ~~(i)~~ The ninth district consists of the counties of ~~Presque Isle~~ ALPENA and Montmorency.

~~(i) The tenth district consists of the counties of Kalkaska and Antrim.~~

~~(k) The eleventh district consists of the counties of Grand Traverse and Leelanau.~~

(T) ~~(l)~~ The twelfth district consists of the counties of Manistee and Benzie.

(T) ~~(m)~~ The thirteenth district consists of the counties of Wexford and Missaukee.

~~(K) (n)~~ The fourteenth district consists of the counties of ~~Roscommon~~ KALKASKA and Crawford.

~~(l) (o)~~ The fifteenth district consists of the counties of Alcona, ~~AND Oscoda.~~ ~~and Ogemaw.~~

~~(M) (p)~~ The sixteenth district consists of the counties of Iosco and Arenac.

~~(N) (q)~~ The seventeenth district consists of the counties of Clare and Gladwin.

~~(O) (r)~~ The eighteenth district consists of the counties of Mecosta and Osceola.

~~(P) (s)~~ The nineteenth district consists of the counties of ~~Newaygo~~ MASON and Lake.

~~(t) The twentieth district consists of the counties of Oceana and Mason.~~

~~Sec. 810a.~~ The probate judges in the counties of Arenac, Kalkaska, ~~and~~ Crawford. ~~AND LAKE~~ have the power, authority, and title of a district judge within their respective counties, in addition to the power, authority, and title of a probate judge.

~~Sec. 5805.~~ (1) A person shall not bring or maintain an action to recover damages for injuries to persons or property unless, after the claim first accrued to the plaintiff or to someone through whom the plaintiff claims, the action is commenced within the periods of time prescribed by this section.

(2) The period of limitations is 2 years for an action charging assault, battery, or false imprisonment.

(3) The period of limitations is 5 years for an action charging assault or battery brought by a person who has been assaulted or battered by his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a person with whom he or she resides or formerly resided. This limitation applies to causes of action arising on or after ~~the date of enactment of the amendatory act that added this subsection~~ FEBRUARY 17, 2000 and to causes of action in which the period of limitations described in subsection (2) has not already expired as of ~~the date of enactment of the amendatory act that added this subsection~~ FEBRUARY 17, 2000.

(4) THE PERIOD OF LIMITATIONS IS 5 YEARS FOR AN ACTION CHARGING ASSAULT AND BATTERY BROUGHT BY A PERSON WHO HAS BEEN ASSAULTED OR BATTERED BY AN INDIVIDUAL WITH WHOM HE OR SHE HAS OR HAS HAD A DATING RELATIONSHIP. THIS LIMITATION APPLIES TO CAUSES OF ACTION ARISING ON OR AFTER JANUARY 1, 2003 AND TO CAUSES OF ACTION IN WHICH THE PERIOD OF LIMITATIONS DESCRIBED IN SUBSECTION (2) HAS NOT ALREADY EXPIRED AS OF JANUARY 1, 2003.

~~(5) (4)~~ The period of limitations is 2 years for an action charging malicious prosecution.

~~(6) (5)~~ Except as otherwise provided in this chapter, the period of limitations is 2 years for an action charging malpractice.

~~(7) (6)~~ The period of limitations is 2 years for an action against a sheriff charging misconduct or neglect of office by the sheriff or the sheriff's deputies.

~~(8) (7)~~ The period of limitations is 2 years after the expiration of the year for which a constable was elected for actions based on the constable's negligence or misconduct as constable.

~~(9) (8)~~ The period of limitations is 1 year for an action charging libel or slander.

~~(10) (9)~~ The period of limitations is 3 years after the time of the death or injury for all other actions to recover damages for the death of a person, or for injury to a person or property.

~~(11) (10)~~ The period of limitations is 5 years for an action to recover damages for injury to a person or property brought by a person who has been assaulted or battered by his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a person with

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whom he or she resides or formerly resided. This limitation applies to causes of action arising on or after ~~the date of enactment of the amendatory act that added this subsection~~ FEBRUARY 17, 2000 and to causes of action in which the period of limitations described in subsection ~~(9)~~ (10) has not already expired as of ~~the date of enactment of the amendatory act that added this subsection~~ FEBRUARY 17, 2000.

(12) THE PERIOD OF LIMITATIONS IS 5 YEARS FOR AN ACTION TO RECOVER DAMAGES FOR INJURY TO A PERSON OR PROPERTY BROUGHT BY A PERSON WHO HAS BEEN ASSAULTED OR BATTERED BY AN INDIVIDUAL, WITH WHOM HE OR SHE HAS OR HAS HAD A DATING RELATIONSHIP. THIS LIMITATION APPLIES TO CAUSES OF ACTION ARISING ON OR AFTER JANUARY 1, 2003 AND TO CAUSES OF ACTION IN WHICH THE PERIOD OF LIMITATIONS DESCRIBED IN SUBSECTION (2) HAS NOT ALREADY EXPIRED AS OF JANUARY 1, 2003.

(13) ~~(11)~~ The period of limitations is 3 years for a products liability action. However, in the case of a product that has been in use for not less than 10 years, the plaintiff, in proving a prima facie case, shall be required to do so without benefit of any presumption.

(14) ~~(12)~~ The period of limitations for an action against a state licensed architect, professional engineer, land surveyor, or contractor based on an improvement to real property shall be as provided in section 5839.

(15) AS USED IN THIS SECTION, "DATING RELATIONSHIP" MEANS FREQUENT, INTIMATE ASSOCIATIONS PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONAL INVOLVEMENT. DATING RELATIONSHIP DOES NOT INCLUDE A CASUAL RELATIONSHIP OR AN ORDINARY FRATERNIZATION BETWEEN 2 INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT.

Enacting section 1. Section 810a of the revised judiciary act of 1961, 1961 PA 236, MCL 600.810a, as amended by this amendatory act, takes effect 91 days after the date on which the 91st Legislature adjourns its 2002 regular session sine die.