

HOUSE BILL No. 6498

November 7, 2002, Introduced by Reps. Howell and DeRossett and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 517, and 803 (MCL 600.504, 600.517, and 600.803), section 504 as amended by 2001 PA 254, section 517 as amended by 2001 PA 257, and section 803 as amended by 2001 PA 253.

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

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 CANDIDATE
14 RECEIVING THE HIGHEST NUMBER OF VOTES IN THE NOVEMBER 2004 GEN-
15 ERAL ELECTION SHALL BE ELECTED FOR A TERM OF 8 YEARS.

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

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

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

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

1 INCUMBENT PROBATE JUDGE IN GENESEE COUNTY WHOSE TERM OF OFFICE
2 EXPIRES JANUARY 1, 2005 AND WHO WOULD BE INELIGIBLE TO SEEK
3 REELECTION TO THAT OFFICE IN 2004, THAT JUDGESHIP IS ELIMINATED.
4 Beginning 12 noon, January 1, 2005, the county of Genesee shall
5 have 2 judges of 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:

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.