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BILL ANALYSIS

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Senate Bill 105 (Substitute S-2 as reported)
Sponsor: Senator Valde Garcia
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act (RJA) to authorize a district court magistrate to conduct arraignments for violations arising directly out of cases for which a magistrate currently may conduct an arraignment.

Under the RJA, when authorized by the chief judge, a district court magistrate may arraign and sentence, upon a plea of guilty or no contest, for certain violations of State law or substantially corresponding local ordinances, if the maximum penalty does not exceed 90 days' imprisonment and/or a fine; as well violations of the Michigan Vehicle Code or substantially corresponding local ordinances, and violations of the Natural Resources and Environmental Protection Act pertaining to off-road vehicles (ORVs) and snowmobiles, if the maximum penalty does not exceed 93 days' imprisonment and/or a fine. With regard to drunk driving cases, or drunk operation of an ORV or snowmobile, a magistrate may arraign defendants and set bond (but not sentence).

Under the bill, when authorized by the chief judge, a magistrate also could arraign for a violation arising directly out of a case for which a judge or magistrate conducted the arraignment described above, involving the same defendant. This would apply only to violations punishable by up to one year's imprisonment and/or a fine, and would include a contempt violation or a violation of a condition of probation imposed in the original case. A magistrate could set bond and accept a plea in such a case, but could not conduct a violation hearing or sentencing.

In addition, under the RJA, when authorized by the chief judge and whenever a district judge is not immediately available, a district court magistrate may conduct "the first" appearance of a defendant before the court in all criminal and ordinance violation cases. The bill would refer to "an" appearance rather than "the first" appearance.

MCL 600.8511 & 600.8513

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. To the extent that the bill would allow magistrates to conduct arraignments in more cases, there could be some shifting of judges' time and resources, but there would be no overall fiscal impact.

Date Completed: 5-2-07

Fiscal Analyst: Stephanie Yu

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Analysis available @ <http://www.michiganlegislature.org>

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.