

HOUSE BILL No. 4140

February 4, 2009, Introduced by Rep. Jackson and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 504 (MCL 600.504), as amended by 2002 PA 715,
and by adding chapter 10B.

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 ~~7, 2003~~ **OF THE FIRST ODD-NUMBERED**
4 **YEAR FOLLOWING THE DATE OF THE APPROVAL RESOLUTION REQUIRED UNDER**
5 **SECTION 1097, 64-61 judges.**

6 (b) Beginning 12 noon, January 1 ~~7, 2003~~ **OF THE FIRST ODD-**
7 **NUMBERED YEAR FOLLOWING THE DATE OF THE APPROVAL RESOLUTION**
8 **REQUIRED UNDER SECTION 1097, 63-51 judges. ~~7, however, if, after 12~~**
9 **~~noon, January 1, 2003, a vacancy occurs in a judgeship held by an~~**

~~incumbent judge of this circuit who would be ineligible to seek reelection to that office in 2004, that judgeship is eliminated unless the total number of judgeships in this circuit has been reduced to 61 before that vacancy occurred.~~

(c) Beginning 12 noon, January 1 ~~, 2005~~ **OF THE THIRD ODD-NUMBERED YEAR FOLLOWING THE DATE OF THE APPROVAL RESOLUTION REQUIRED UNDER SECTION 1097, 61-41 judges.**

(D) BEGINNING 12 NOON, JANUARY 1 OF THE FIFTH ODD-NUMBERED YEAR FOLLOWING THE DATE OF THE APPROVAL RESOLUTION REQUIRED UNDER SECTION 1097, 32 JUDGES.

CHAPTER 10B

DETROIT RECORDER'S COURT

SEC. 1090. THE DETROIT RECORDER'S COURT IS CREATED AND IS A COURT OF RECORD.

SEC. 1091. (1) THE DETROIT RECORDER'S COURT HAS 29 JUDGES, WHO SHALL BE NOMINATED AND ELECTED AT NONPARTISAN ELECTIONS AND SHALL RESIDE IN THE CITY OF DETROIT. EXCEPT AS PROVIDED IN SUBSECTION (2), EACH JUDGE OF THE DETROIT RECORDER'S COURT SHALL HOLD OFFICE FOR A TERM OF 6 YEARS AND UNTIL HIS OR HER SUCCESSOR IS ELECTED AND QUALIFIED.

(2) OF THE 29 JUDGES INITIALLY ELECTED TO THE DETROIT RECORDER'S COURT AT THE FIRST NOVEMBER GENERAL ELECTION AT WHICH THOSE JUDGES ARE ELIGIBLE TO BE ELECTED FOR TERMS BEGINNING THE FOLLOWING JANUARY 1 AND FOR THAT ELECTION ONLY, THE FOLLOWING SPECIAL PROVISIONS APPLY:

(A) THE 9 CANDIDATES BEGINNING WITH THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES THROUGH THE CANDIDATE RECEIVING THE

1 NINTH HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO TERMS OF 10 YEARS
2 EACH.

3 (B) THE 9 CANDIDATES BEGINNING WITH THE CANDIDATE RECEIVING
4 THE TENTH HIGHEST NUMBER OF VOTES THROUGH THE CANDIDATE RECEIVING
5 THE NINETEENTH HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO TERMS OF
6 8 YEARS EACH.

7 (C) THE 9 CANDIDATES BEGINNING WITH THE CANDIDATE RECEIVING
8 THE TWENTIETH HIGHEST NUMBER OF VOTES THROUGH THE CANDIDATE
9 RECEIVING THE LOWEST NUMBER OF VOTES SHALL BE ELECTED TO TERMS OF 6
10 YEARS EACH.

11 SEC. 1092. (1) THE DETROIT RECORDER'S COURT HAS EXCLUSIVE
12 JURISDICTION OVER CRIMINAL VIOLATIONS OCCURRING IN THE CITY OF
13 DETROIT PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.

14 (2) EFFECTIVE JANUARY 1 OF THE YEAR IMMEDIATELY FOLLOWING THE
15 INITIAL ELECTION OF JUDGES TO DETROIT RECORDER'S COURT UNDER THIS
16 CHAPTER, ANY REFERENCE IN THE LAWS OF THIS STATE TO THE CIRCUIT
17 COURT THAT WOULD HAVE BEEN CONSTRUED TO REFER TO THE THIRD JUDICIAL
18 CIRCUIT OF THE CIRCUIT COURT SHALL BE CONSTRUED TO REFER TO THE
19 DETROIT RECORDER'S COURT IF THE REFERENCE INVOLVES A CRIMINAL
20 MATTER THAT IS WITHIN THE JURISDICTION OF THE DETROIT RECORDER'S
21 COURT UNDER SUBSECTION (1).

22 SEC. 1093. EFFECTIVE JANUARY 1 OF THE YEAR IMMEDIATELY
23 FOLLOWING THE INITIAL ELECTION OF JUDGES TO DETROIT RECORDER'S
24 COURT UNDER THIS CHAPTER, ALL FILES, RECORDS, AND PENDING CASES OF
25 THE THIRD JUDICIAL CIRCUIT OF THE CIRCUIT COURT THAT ARE WITHIN THE
26 JURISDICTION OF THE DETROIT RECORDER'S COURT UNDER SECTION 1092
27 SHALL BE TRANSFERRED TO THE DETROIT RECORDER'S COURT IN ACCORDANCE

1 WITH RULES PRESCRIBED BY THE SUPREME COURT, AND THE DETROIT
2 RECORDER'S COURT SHALL EXERCISE ALL POWERS IN REGARD TO THOSE
3 FILES, RECORDS, AND CASES AS PROVIDED BY RULES OF THE SUPREME
4 COURT. THE DETROIT RECORDER'S COURT SHALL HAVE JURISDICTION TO HEAR
5 AND DETERMINE ALL CASES TRANSFERRED UNDER THIS SECTION AND SHALL
6 EXERCISE ALL AUTHORITY WITH REGARD TO THOSE CASES AS THOUGH THE
7 CASES HAD BEEN COMMENCED IN THAT COURT. ALL ORDERS AND JUDGMENTS OF
8 THE DETROIT RECORDER'S COURT SHALL BE APPEALABLE IN LIKE MANNER AND
9 TO THE SAME COURTS AS APPLICABLE BEFORE THAT DATE.

10 SEC. 1094. EXCEPT AS OTHERWISE PROVIDED BY LAW, THE CHIEF
11 JUDGE OF THE DETROIT RECORDER'S COURT SHALL APPOINT, SUPERVISE,
12 DISCIPLINE, OR DISMISS THE EMPLOYEES OF THAT COURT IN ACCORDANCE
13 WITH APPLICABLE PERSONNEL POLICIES AND PROCEDURES AND ANY
14 APPLICABLE COLLECTIVE BARGAINING AGREEMENT. THOSE EMPLOYEES SHALL
15 BE EMPLOYEES OF THE CITY OF DETROIT, AND COMPENSATION OF THE
16 EMPLOYEES SERVING IN THE DETROIT RECORDER'S COURT SHALL BE PAID BY
17 THE CITY OF DETROIT.

18 SEC. 1095. (1) SUBJECT TO SUBSECTION (3), EACH JUDGE OF THE
19 DETROIT RECORDER'S COURT SHALL RECEIVE AN ANNUAL SALARY PAYABLE BY
20 THE STATE AS PROVIDED IN THIS SECTION AND MAY RECEIVE FROM THE CITY
21 OF DETROIT AN ADDITIONAL SALARY AS DETERMINED FROM TIME TO TIME BY
22 THE CITY COUNCIL OF THE CITY OF DETROIT. IF AN ADDITIONAL SALARY IS
23 GRANTED, IT SHALL BE PAID AT THE SAME RATE TO ALL DETROIT
24 RECORDER'S COURT JUDGES.

25 (2) EACH CIRCUIT JUDGE SHALL RECEIVE AN ANNUAL SALARY
26 DETERMINED AS FOLLOWS:

27 (A) AN ANNUAL SALARY PAYABLE BY THE STATE THAT IS THE

1 DIFFERENCE BETWEEN 85% OF THE SALARY OF A JUSTICE OF THE SUPREME
2 COURT AND \$45,724.00.

3 (B) AN ADDITIONAL SALARY PAYABLE BY THE CITY OF DETROIT. THE
4 STATE SHALL REIMBURSE TO THE CITY OF DETROIT \$45,724.00, IF THE
5 TOTAL ADDITIONAL SALARY, INCLUDING ANY COST-OF-LIVING ALLOWANCE,
6 PAYABLE BY THE CITY TO A JUDGE IS NOT LESS THAN OR MORE THAN
7 \$45,724.00. IF THE CITY PAYS A CIRCUIT JUDGE LESS THAN OR MORE THAN
8 \$45,724.00, THE CITY IS NOT ENTITLED TO REIMBURSEMENT FROM THE
9 STATE UNDER THIS SUBSECTION.

10 (3) AN INCREASE IN THE AMOUNT OF SALARY PAYABLE TO A JUDGE
11 UNDER THIS SECTION CAUSED BY AN INCREASE IN THE SALARY PAYABLE TO A
12 JUSTICE OF THE SUPREME COURT RESULTING FROM THE OPERATION OF 1968
13 PA 357, MCL 15.211 TO 15.218, SHALL NOT BE EFFECTIVE UNTIL FEBRUARY
14 1 OF THE YEAR IN WHICH THE INCREASE IN THE SALARY OF A JUSTICE OF
15 THE SUPREME COURT BECOMES EFFECTIVE. IF AN INCREASE IN SALARY
16 BECOMES EFFECTIVE ON FEBRUARY 1 OF A YEAR IN WHICH AN INCREASE IN
17 THE SALARY OF A JUSTICE OF THE SUPREME COURT BECOMES EFFECTIVE, THE
18 INCREASE SHALL BE RETROACTIVE TO JANUARY 1 OF THAT YEAR.

19 SEC. 1096. THE JUDGES OF THE DETROIT RECORDER'S COURT SHALL
20 NOT PRACTICE AS ATTORNEYS OR COUNSELORS IN ANY COURT OF THE STATE
21 AND SHALL NOT ENGAGE IN THE PRACTICE OF LAW FOR COMPENSATION. A
22 JUDGE OF THE DETROIT RECORDER'S COURT MAY NOT HAVE ANY LAW PARTNER
23 PRACTICING IN THAT COURT.

24 SEC. 1097. (1) THIS CHAPTER DOES NOT TAKE EFFECT UNLESS THE
25 CITY OF DETROIT, BY RESOLUTION OF THE GOVERNING BODY OF THE CITY,
26 AGREES TO ASSUME RESPONSIBILITY FOR ANY EXPENSES REQUIRED OF THE
27 CITY BY THIS CHAPTER.

1 (2) IF THE CITY OF DETROIT, ACTING THROUGH ITS GOVERNING BODY,
2 AGREES TO ASSUME RESPONSIBILITY FOR ANY EXPENSES REQUIRED OF THE
3 CITY BY THIS CHAPTER, THAT ACTION CONSTITUTES AN EXERCISE OF THE
4 CITY'S OPTION TO PROVIDE A NEW ACTIVITY OR SERVICE OR TO INCREASE
5 THE LEVEL OF ACTIVITY OR SERVICE OFFERED IN THE CITY OF DETROIT
6 BEYOND THAT REQUIRED BY EXISTING LAW, AS THE ELEMENTS OF THAT
7 OPTION ARE DEFINED BY 1979 PA 101, MCL 21.231 TO 21.244, AND A
8 VOLUNTARY ACCEPTANCE BY THE CITY OF ALL EXPENSES AND CAPITAL
9 IMPROVEMENTS WHICH MAY RESULT FROM ESTABLISHMENT OF THE RECORDER'S
10 COURT FOR THE CITY OF DETROIT. HOWEVER, THE EXERCISE OF THE OPTION
11 DOES NOT AFFECT THE STATE'S OBLIGATION TO PAY THE PORTION OF EACH
12 JUDGE'S SALARY PAID BY THE STATE OR TO APPROPRIATE AND DISBURSE
13 FUNDS TO THE CITY OF DETROIT FOR THE NECESSARY COSTS OF STATE
14 REQUIREMENTS ESTABLISHED BY A STATE LAW.