

Act No. 124
Public Acts of 2014
Approved by the Governor
May 20, 2014
Filed with the Secretary of State
May 20, 2014
EFFECTIVE DATE: May 20, 2014

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Walsh and Leonard

ENROLLED HOUSE BILL No. 5155

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 8311 and 8511 (MCL 600.8311 and 600.8511), section 8511 as amended by 2008 PA 95; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 8311. The district court has jurisdiction of all of the following:

(a) Misdemeanors punishable by a fine or imprisonment not exceeding 1 year, or both.

(b) Ordinance and charter violations punishable by a fine or imprisonment, or both.

(c) Arraignments, the fixing of bail and the accepting of bonds.

(d) Probable cause conferences in all felony cases and misdemeanor cases not cognizable by the district court and all matters allowed at the probable cause conference under section 4 of chapter VI of the code of criminal procedure, 1927 PA 175, MCL 766.4.

(e) Preliminary examinations in all felony cases and misdemeanor cases not cognizable by the district court and all matters allowed at the preliminary examination under chapter VI of the code of criminal procedure, 1927 PA 175, MCL 766.1 to 766.22. There shall not be a preliminary examination for any misdemeanor to be tried in a district court.

(f) Circuit court arraignments in all felony cases and misdemeanor cases not cognizable by the district court under section 13 of chapter VI of the code of criminal procedure, 1927 PA 175, MCL 766.13. Sentencing for felony cases and misdemeanor cases not cognizable by the district court shall be conducted by a circuit judge.

Sec. 8511. A district court magistrate has the following jurisdiction and duties:

(a) To arraign and sentence upon pleas of guilty or nolo contendere for violations of the following acts or parts of acts, or a local ordinance substantially corresponding to these acts or parts of acts, when authorized by the chief judge of the district court district, if the maximum permissible punishment does not exceed 90 days in jail or a fine, or both:

- (i) Part 487 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.48701 to 324.48740.
- (ii) Part 401 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40101 to 324.40120.
- (iii) Part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199.
- (iv) The motor carrier act, 1933 PA 254, MCL 475.1 to 479.43.
- (v) Motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.
- (vi) Dog law of 1919, 1919 PA 339, MCL 287.261 to 287.290.
- (vii) Section 703 or 915 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703 and 436.1915.
- (viii) Part 5 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.501 to 324.513.
- (ix) Part 89 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8901 to 324.8907.
- (x) Part 435 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.43561.
- (xi) Part 731 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.73101 to 324.73111.
- (xii) Chapter LXXXV of the Michigan penal code, 1931 PA 328, MCL 750.546 to 750.552c.

(b) To arraign and sentence upon pleas of guilty or nolo contendere for violations of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a local ordinance substantially corresponding to a provision of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, except for violations of sections 625 and 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local ordinance substantially corresponding to section 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, if authorized by the chief judge of the district court district and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However, the chief judge may authorize the magistrate to arraign defendants and set bond with regard to violations of sections 625 and 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local ordinance substantially corresponding to section 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m.

(c) To arraign and sentence upon pleas of guilty or nolo contendere for violations of part 811 or 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150 and 324.82101 to 324.82160, or a local ordinance substantially corresponding to a provision of part 811 or 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150 and 324.82101 to 324.82160, except for violations of sections 81134, 81135, 82128, and 82129 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129, or a local ordinance substantially corresponding to sections 81134, 81135, 82128, and 82129 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129, if authorized by the chief judge of the district court district and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However, the chief judge may authorize the magistrate to arraign defendants and set bond with regard to violations of sections 81134, 81135, 82128, and 82129 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129.

(d) To arraign, if authorized by the chief judge of the district court district, for a contempt violation or a violation of a condition of probation if either arises directly out of a case for which a judge or district court magistrate conducted the arraignment under subdivision (a), (b), or (c), or the first appearance under section 8513, involving the same defendant. This subdivision applies only to offenses punishable by imprisonment for not more than 1 year or a fine, or both. The district court magistrate may set bond and accept a plea but shall not conduct a violation hearing or sentencing.

(e) To issue warrants for the arrest of a person upon the written authorization of the prosecuting or municipal attorney, except written authorization is not required for a vehicle law or ordinance violation within the jurisdiction of the magistrate if a police officer issued a traffic citation under section 728 of the Michigan vehicle code, 1949 PA 300, MCL 257.728, and the defendant failed to appear.

(f) To fix bail and accept bond in all cases.

(g) To issue search warrants, if authorized to do so by a district court judge.

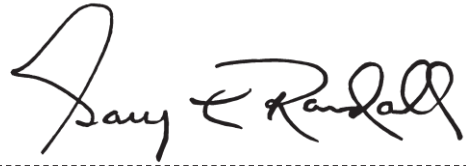
(h) To conduct probable cause conferences and all matters allowed at the probable cause conference, except for the taking of pleas and sentencings, under section 4 of chapter VI of the code of criminal procedure, 1927 PA 175, MCL 766.4, when authorized to do so by the chief district court judge.

Enacting section 1. Section 2167 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2167, is repealed.

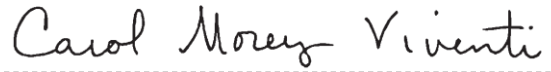
Enacting section 2. This amendatory act applies to cases in which the defendant is arraigned in the district court or the municipal court on or after January 1, 2015.

Enacting section 3. This amendatory act does not take effect unless House Bill No. 5154 of the 97th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: House Bill No. 5154, referred to in enacting section 3, was filed with the Secretary of State May 20, 2014, and became 2014 PA 123, Imd. Eff. May 20, 2014.