

SUBSTITUTE FOR
SENATE BILL NO. 932

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 8512, 8512a, and 8513 (MCL 600.8512,
600.8512a, and 600.8513), section 8512 as amended by 1995 PA 54,
section 8512a as added by 1984 PA 278, and section 8513 as amended
by 2008 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8512. (1) A district court magistrate may hear and
2 preside over civil infraction admissions, ~~and~~ admissions with
3 explanation, **MOTIONS TO SET ASIDE DEFAULT OR WITHDRAW ADMISSIONS,**
4 and conduct informal hearings in civil infraction actions pursuant
5 to ~~UNDER~~ section 746 of the Michigan vehicle code, ~~Act No. 300 of~~
6 ~~the Public Acts of 1949, being section 257.746 of the Michigan~~
7 ~~Compiled Laws, 1949 PA 300, MCL 257.746, OR~~ section 8719 ~~or~~

1 section 8819 **OF THIS ACT**, as applicable. In exercising the
2 authority conferred by this subsection, ~~the~~ **A DISTRICT COURT**
3 magistrate may administer oaths, examine witnesses, and make
4 findings of fact and conclusions of law. If ~~the~~ **A** defendant is
5 determined to be responsible for a civil infraction, the **DISTRICT**
6 **COURT** magistrate may impose the civil sanctions authorized by
7 section 907 of ~~Act No. 300 of the Public Acts of 1949, being~~
8 ~~section 257.907 of the Michigan Compiled Laws, section 8727,~~ **THE**
9 **MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.907**, or section 8827 **OF**
10 **THIS ACT**, as applicable.

11 (2) A district court magistrate shall not conduct an informal
12 hearing in a civil infraction action involving a traffic or parking
13 violation governed by ~~Act No. 300 of the Public Acts of 1949, being~~
14 ~~sections 257.1 to 257.923 of the Michigan Compiled Laws,~~ **THE**
15 **MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923**, until he
16 or she has successfully completed a special training course in
17 traffic law adjudication and sanctions. The course shall be given
18 periodically by the state court administrator.

19 (3) A district court magistrate may exercise the authority
20 conferred by this section only to the extent expressly authorized
21 by the chief judge, presiding judge, or only judge of the district
22 court district.

23 Sec. 8512a. Only to the extent expressly authorized by the
24 chief judge, presiding judge, or only judge of the district court
25 district, a district court magistrate may do 1 or more of the
26 following:

27 (a) Accept an admission of responsibility, **DECIDE A MOTION TO**

1 **SET ASIDE A DEFAULT OR WITHDRAW AN ADMISSION**, and order civil
2 sanctions for a civil infraction and order an appropriate civil
3 sanction permitted by the statute or ordinance defining the act or
4 omission.

5 (b) Accept a plea of guilty or nolo contendere and impose
6 sentence for a misdemeanor or ordinance violation punishable by a
7 fine and which is not punishable by imprisonment by the terms of
8 the statute or ordinance creating the offense.

9 Sec. 8513. (1) When authorized by the chief judge of the
10 district and whenever a district judge is not immediately
11 available, a district court magistrate may conduct the first
12 appearance of a defendant before the court in all criminal and
13 ordinance violation cases, including acceptance of any written
14 demand or waiver of preliminary examination and acceptance of any
15 written demand or waiver of jury trial. However, this section does
16 not authorize a district court magistrate to accept a plea of
17 guilty or nolo contendere not expressly authorized ~~pursuant to~~
18 **UNDER** section 8511 or 8512a. A defendant neither demanding nor
19 waiving preliminary examination in writing is deemed to have
20 demanded preliminary examination and a defendant neither demanding
21 nor waiving jury trial in writing is considered to have demanded a
22 jury trial.

23 (2) If authorized by the chief judge of the district, a
24 district court magistrate may do any of the following:

25 (a) Approve and grant petitions for the appointment of an
26 attorney to represent an indigent defendant accused of any
27 misdemeanor punishable by imprisonment for not more than 1 year or

1 ordinance violation punishable by imprisonment.

2 (b) Suspend payment of court fees by an indigent party in any
3 civil, small claims, or summary proceedings action, until after
4 judgment has been entered.

5 (c) Upon written authorization of the prosecuting or city
6 attorney, sign a nolle prosequi ~~—~~ dismissing any criminal or
7 ordinance violation case over which the district court has
8 jurisdiction and release any bail bond or bail bond deposit to the
9 persons entitled to the bail bond or deposit. However, if the
10 preliminary examination or trial has commenced or a plea of guilty
11 or nolo contendere has been accepted by a district court judge, the
12 dismissal order may be entered only by that judge or his or her
13 alternate.

14 (d) Execute and issue process to carry into effect authority
15 expressly granted by law to district court magistrates.

16 (3) A district court magistrate, for acts ~~done within his or~~
17 ~~her jurisdiction as provided~~ **EXPRESSLY AUTHORIZED BY THE CHIEF**
18 **JUDGE AND** by law, has judicial immunity to the extent accorded a
19 district court judge.