

HOUSE BILL No. 5155

November 14, 2013, Introduced by Reps. Walsh and Leonard and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," 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:

1 Sec. 8311. The district court ~~shall have~~**HAS** jurisdiction of

2 **ALL OF THE FOLLOWING:**

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

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

7 (c) Arraignments, the fixing of bail and the accepting of

1 bonds.

2 (D) PROBABLE CAUSE CONFERENCES IN ALL FELONY CASES AND
 3 MISDEMEANOR CASES NOT COGNIZABLE BY THE DISTRICT COURT AND ALL
 4 MATTERS ALLOWED AT THE PROBABLE CAUSE CONFERENCE UNDER SECTION 4 OF
 5 CHAPTER VI OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
 6 766.4.

7 (E) ~~(d)~~ Preliminary examinations in all felony cases and
 8 misdemeanor cases not cognizable by the district court ~~, but there~~
 9 AND ALL MATTERS ALLOWED AT THE PRELIMINARY EXAMINATION UNDER
 10 CHAPTER VI OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
 11 766.1 TO 766.22. THERE shall not be a preliminary examination for
 12 any misdemeanor to be tried in a district court.

13 (F) CIRCUIT COURT ARRAIGNMENTS IN ALL FELONY CASES AND
 14 MISDEMEANOR CASES NOT COGNIZABLE BY THE DISTRICT COURT UNDER
 15 SECTION 13 OF CHAPTER VI OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA
 16 175, MCL 766.13. SENTENCING FOR FELONY CASES AND MISDEMEANOR CASES
 17 NOT COGNIZABLE BY THE DISTRICT COURT SHALL BE CONDUCTED BY A
 18 CIRCUIT JUDGE.

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

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

27 (i) Part 487 of the natural resources and environmental

1 protection act, 1994 PA 451, MCL 324.48701 to 324.48740.

2 (ii) Part 401 of the natural resources and environmental
3 protection act, 1994 PA 451, MCL 324.40101 to ~~324.40119~~**324.40120**.

4 (iii) Part 801 of the natural resources and environmental
5 protection act, 1994 PA 451, MCL 324.80101 to 324.80199.

6 (iv) The motor carrier act, 1933 PA 254, MCL 475.1 to 479.43.

7 (v) Motor carrier safety act of 1963, 1963 PA 181, MCL 480.11
8 to 480.25.

9 (vi) Dog law of 1919, 1919 PA 339, MCL 287.261 to 287.290.

10 (vii) Section 703 or 915 of the Michigan liquor control code of
11 1998, 1998 PA 58, MCL 436.1703 and 436.1915.

12 (viii) Part 5 of the natural resources and environmental
13 protection act, 1994 PA 451, MCL 324.501 to ~~324.511~~**324.513**.

14 (ix) Part 89 of the natural resources and environmental
15 protection act, 1994 PA 451, MCL 324.8901 to 324.8907.

16 (x) Part 435 of the natural resources and environmental
17 protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

18 (xi) Part 731 of the natural resources and environmental
19 protection act, 1994 PA 451, MCL 324.73101 to 324.73111.

20 (xii) Chapter LXXXV of the Michigan penal code, 1931 PA 328,
21 MCL 750.546 to ~~750.552~~**750.552C**.

22 (b) To arraign and sentence upon pleas of guilty or nolo
23 contendere for violations of the Michigan vehicle code, 1949 PA
24 300, MCL 257.1 to 257.923, or a local ordinance substantially
25 corresponding to a provision of the Michigan vehicle code, 1949 PA
26 300, MCL 257.1 to 257.923, except for violations of sections 625
27 and 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and

1 257.625m, or a local ordinance substantially corresponding to
2 section 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL
3 257.625 and 257.625m, ~~when~~**IF** authorized by the chief judge of the
4 district court district and if the maximum permissible punishment
5 does not exceed 93 days in jail or a fine, or both. However, the
6 **CHIEF JUDGE MAY AUTHORIZE THE** magistrate ~~may have the jurisdiction~~
7 to arraign defendants and set bond with regard to violations of
8 sections 625 and 625m of the Michigan vehicle code, 1949 PA 300,
9 MCL 257.625 and 257.625m, or a local ordinance substantially
10 corresponding to section 625 or 625m of the Michigan vehicle code,
11 1949 PA 300, MCL 257.625 and 257.625m.

12 (c) To arraign and sentence upon pleas of guilty or nolo
13 contendere for violations of part 811 or 821 of the natural
14 resources and environmental protection act, 1994 PA 451, MCL
15 324.81101 to 324.81150 and 324.82101 to 324.82160, or a local
16 ordinance substantially corresponding to a provision of part 811 or
17 821 of the natural resources and environmental protection act, 1994
18 PA 451, MCL 324.81101 to 324.81150 and 324.82101 to 324.82160,
19 except for violations of sections 81134, 81135, 82128, and 82129 of
20 the natural resources and environmental protection act, 1994 PA
21 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129, or a local
22 ordinance substantially corresponding to sections 81134, 81135,
23 82128, and 82129 of the natural resources and environmental
24 protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128,
25 and 324.82129, ~~when~~**IF** authorized by the chief judge of the
26 district court district and if the maximum permissible punishment
27 does not exceed 93 days in jail or a fine, or both. However, **THE**

1 **CHIEF JUDGE MAY AUTHORIZE** the magistrate ~~may have the jurisdiction~~
2 to arraign defendants and set bond with regard to violations of
3 sections 81134, 81135, 82128, and 82129 of the natural resources
4 and environmental protection act, 1994 PA 451, MCL 324.81134,
5 324.81135, 324.82128, and 324.82129.

6 (d) To arraign, ~~when-IF~~ authorized by the chief judge of the
7 district court district, for a contempt violation or a violation of
8 a condition of probation ~~when-IF~~ either arises directly out of a
9 case for which a judge or district court magistrate conducted the
10 arraignment under subdivision (a), (b), or (c), or the first
11 appearance under section 8513, involving the same defendant. This
12 subdivision applies only to offenses punishable by imprisonment for
13 not more than 1 year or a fine, or both. The district court
14 magistrate may set bond and accept a plea but ~~may~~ **SHALL** not conduct
15 a violation hearing or sentencing.

16 (e) To issue warrants for the arrest of a person upon the
17 written authorization of the prosecuting or municipal attorney,
18 except written authorization ~~shall not be~~ **IS NOT** required for a
19 vehicle law or ordinance violation within the jurisdiction of the
20 magistrate if a police officer issued a traffic citation ~~pursuant~~
21 ~~to~~ **UNDER** section 728 of the Michigan vehicle code, 1949 PA 300, MCL
22 257.728, and the defendant failed to appear.

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

24 (g) To issue search warrants, ~~when-IF~~ authorized to do so by a
25 district court judge.

26 **(H) TO CONDUCT PROBABLE CAUSE CONFERENCES AND ALL MATTERS**
27 **ALLOWED AT THE PROBABLE CAUSE CONFERENCE, EXCEPT FOR THE TAKING OF**

House Bill No. 5155 as amended February 19, 2014
as amended February 25, 2014

1 PLEAS AND SENTENCINGS, UNDER SECTION 4 OF CHAPTER VI OF THE CODE OF
2 CRIMINAL PROCEDURE, 1927 PA 175, MCL 766.4, WHEN AUTHORIZED TO DO
3 SO BY [THE CHIEF] DISTRICT COURT JUDGE.

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

6 [Enacting section 2. This amendatory act applies to cases in which
7 the defendant is arraigned in the district court or the municipal court
8 on or after September 1, 2014.

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

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