



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 453 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 1-13-16

RATIONALE

The Revised Judicature Act specifies, among other things, the qualifications for district court magistrates. In certain districts, a district court magistrate must be a registered elector in the district for which he or she is appointed. For a district that cannot afford to hire a full-time magistrate, it is possible to appoint a court staff member as a magistrate. Apparently, however, many of the individuals who are otherwise qualified to serve as a magistrate in these districts, including those who work at the district court, are registered to vote in an adjoining district. To address this issue, it has been suggested that the statutory residency requirements for district court magistrates be revised.

CONTENT

The bill would amend Chapter 85 (Magistrates) of the Revised Judicature Act to allow a person to be appointed magistrate in certain districts if he or she were an elector in an adjoining district and if the appointment were made under a plan of concurrent jurisdiction.

Chapter 85 provides that in each third class district, the district judge or judges may appoint one or more district court magistrates. In the 36th district, the chief judge may appoint one or more magistrates, as long as the district does not exceed six district court magistrates. In a third class district and in the 36th district, a person may not be appointed magistrate unless the person is a registered elector in the district for which he or she is appointed.

The bill would allow a person to be appointed magistrate in a third class district or the 36th district if he or she were an elector in an adjoining district, if the appointment were made under a plan of concurrent jurisdiction adopted under Chapter 4 (Trial Court Concurrent Jurisdiction) of the Act. (Chapter 4 pertains to the adoption of a plan of concurrent jurisdiction between various courts within a judicial circuit.)

The bill would take effect 90 days after its enactment.

MCL 600.8501

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Some judicial districts are unable to afford full-time magistrates. Chief judges in these districts are able to appoint qualified court staff as district court magistrates; however, a district court magistrate in a third class district court must be a registered voter in the district the court serves. Many of the qualified staff who could serve, e.g., a court administrator or probation officer, live in an adjoining district and cannot be appointed. The bill would allow such an individual to be

appointed if he or she were an elector in an adjoining district as long as the appointment was made under a plan of concurrent jurisdiction. This change would make it easier to appoint district court magistrates in some districts, and would improve the efficiency of the State's courts.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could produce fiscal savings for third class district courts and the 36th District Court. The third class district courts are located in the following counties: Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne. The 36th District Court is located in the City of Detroit. Allowing the appointment of a magistrate from an adjoining district could create resource efficiencies under a plan of concurrent jurisdiction. The bill would have no fiscal impact on the State.

Fiscal Analyst: John Maxwell

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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.