



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 87 (as enrolled)
Sponsor: Senator Ed McBroom
Senate Committee: Judiciary and Public Safety
House Committee: Judiciary

Date Completed: 3-15-19

RATIONALE

Article VI, Section 3 of the Michigan Constitution specifies that the Michigan Supreme Court "shall appoint an administrator of the courts and other assistants of the supreme court as necessary to aid in the administration of the courts of this state". The Court exercises its oversight of Michigan courts through the State Court Administrative Office (SCAO). Among other things, the SCAO is tasked with reviewing the State's judicial needs and, based on its findings, compiling the Judicial Resources Recommendations (JRR), a biennial report that assesses the workloads of the various courts across the State and makes recommendations to the Legislature. The 2011 JRR recommended the elimination by attrition of 45 trial (district, circuit, and probate) judgeships. Based on the SCAO's findings, the State enacted a legislative package eliminating over 40 judgeships. Public Act (PA) 21 of 2012 eliminated the district court judge position for the 95th-A Judicial District in Menominee County. Under PA 21, the elimination of the district judgeship occurs when a vacancy in the office of district judgeship occurs, or when the incumbent no longer seeks election, at which point the Menominee County probate judge will serve as the district judge for the 95th-A district.

Evidently, the current district court judge for the 95th-A district plans to retire on March 31, 2019, which will trigger the elimination of the district judge position, as prescribed by PA 21. Many people believe that eliminating this judgeship will impose additional burdens on Menominee County and impede timely access to judicial resources, so it was suggested that this judgeship be retained.

CONTENT

The bill would amend the Revised Judicature Act to delete a provision prescribing the number of judges of the 95th-A Judicial District, and a provision specifying that the probate judge of Menominee County serves as judge of the 95th-A Judicial District.

The Act specifies that the 95th-A Judicial District consists of Menominee County, is a district of the first class, and has the following number of judges:

- One judge, until the date determined below.
- Beginning the date on which a vacancy occurs in the office of district judge in the 95th-A Judicial District or beginning the date of the term for which the incumbent 95th-A district judge no longer seeks election or reelection to that office, whichever is earlier, the 95th-A district consists of Menominee County and is a district of the first class.

After the judgeship is eliminated, under Section 810a of the Act, the probate judge for Menominee County serves as judge of the 95th-A district. (Section 810a specifies that the probate judges in Alcona, Arenac, Baraga, Benzie, Crawford, Iron, Kalkaska, Lake, Missaukee, Montmorency, Ontonagon, Oscoda, and Presque Isle Counties have the jurisdiction, powers, duties, and title of district judge within their respective counties, in addition to the jurisdiction, powers, duties, and title of probate judge. In counties where the only district judgeship is being eliminated and Chapter 81 (District Court: Establishment; Districts) provides that Section 810a applies, a probate judge

in that county has the jurisdiction, powers, duties, and title of district judge within their respective counties, in addition to the jurisdiction, powers, duties, and title of probate judge.)

The bill would delete these provisions. Instead, under the bill, the 95th-A district would consist of Menominee County, be a district of the first class, and have one judge.

MCL 600.8160

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

Retaining this district judge position is critical to ensuring that Menominee County residents have access to Michigan's judicial system. According to testimony presented before the Senate Committee on Judiciary and Public Safety, the data used to support eliminating the 95th-A district judgeship is from 2008 to 2010. At that time, Menominee County averaged approximately 143 felony filings per year. Over the past eight years, however, the number of felony filings in Menominee district court has increased by over 60%. Between 2015 and 2017, the County averaged approximately 239 felony filings. If this trend continues and the judgeship is eliminated, there will be insufficient judicial resources to handle those cases. Recently, the Michigan State Police, the Menominee Police Department, and the Menominee County Sheriff requested that the Menominee County Board of Commissioners hire an additional prosecutor to assist with the backlog of cases that has developed. The increased caseload, in addition to the geographic barriers and unpredictable weather-related conditions in the County, presents a significant challenge to Menominee County residents' access to judicial resources. Eliminating the 95th-A district judgeship will worsen this situation. The State Court Administrative Office also has reevaluated its position and agrees with retaining this judgeship.

Additionally, like the rest of the State, Menominee County is facing a drug epidemic, and drug-related cases represent a significant portion of the court's caseload. By retaining the district judge position, the bill would give the residents in Menominee County and adjacent counties access to a drug treatment court that would be established if the judgeship were not eliminated. Drug treatment assists residents who are struggling with addiction, helps reduce recidivism, and helps save taxpayer money by reducing incarceration costs.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would not have an immediate impact on State or local government. The bill would have a minor negative impact on the State's available resources for judicial compensation and an indeterminate impact on Menominee County.

For several years, the 95th-A District Court in Menominee County has been scheduled to lose its district judge by attrition, and the sitting judge for the 95th-A district has announced his intention to leave the bench in March 2019. Currently, the duties of the sitting judge are scheduled to be transferred to the probate judge. Preserving the district judge position in the 95th-A district would create a small funding shortfall within the Judiciary budget. According to the July 2017 Judicial Resources Recommendations report from the State Court Administrative Office, each district court judgeship costs the State \$159,342, nearly 97% of which comes from the General Fund.

Although district court judges are compensated through the State Judiciary budget, their staff and on-site resources are covered by the districts and the local communities in which they sit. The

95th-A district judgeship has been scheduled for elimination for several years. It is possible that the retention of the district judge position in the 95th-A Judicial District could have a negative impact on the local community that has, for several years, been planning on reduced administrative costs.

Fiscal Analyst: Michael Siracuse

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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.