

# HOUSE BILL NO. 5859

June 16, 2020, Introduced by Reps. Green and Hernandez and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 803 and 807 (MCL 600.803 and 600.807), section  
803 as amended by 2012 PA 36 and section 807 as amended by 2004 PA  
492.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1           Sec. 803. (1) Except as otherwise provided in this section,  
2 each county that is not part of a probate court district created by  
3 law has 1 judge of probate.  
4           (2) ~~Each~~ **Except as otherwise provided, each** probate court



district created by law has 1 judge of probate.

(3) The county of Sanilac has 1 judge of probate. Under section 15 of article VI of the state constitution of 1963, the office of probate judge for the county of Sanilac shall be combined with the office of judge of the seventy-third-a judicial district, and the incumbent judge of the seventy-third-a judicial district shall become the probate judge for the county of Sanilac for the balance of the term to which he or she was elected.

~~(4) The county of Huron has the following number of judges of probate:~~

~~(a) Until April 1, 2012, 1 judge.~~

~~(b) Beginning April 1, 2012, under~~ **Under** section 15 of article VI of the state constitution of 1963, the office of probate judge for the county of Huron shall be combined with the office of judge of the seventy-third-b judicial district, and the county of Huron shall have 2 judges of probate. The judgeship added under this subdivision shall be filled by the incumbent judge of the seventy-third-b judicial district, who shall become a probate judge for the county of Huron for the balance of the term to which he or she was elected.

~~(c) Beginning the earlier of the following dates, the county of Huron has 1 judge of probate:~~

~~(i) The date on which a vacancy occurs in the office of probate judge in this county.~~

~~(ii) The beginning date of the term for which an incumbent probate judge in this county no longer seeks election or reelection to that office.~~

**(5) Beginning January 1, 2021, if the boards of commissioners of the counties of Huron and Sanilac approve the consolidation of**



1 the thirty-second and seventy-sixth judicial probate courts under  
2 section 15 of article VI of the state constitution of 1963, the  
3 thirty-second-a probate court district described in section 807 has  
4 3 judges of probate.

5 (6) If the consolidated district is created under subsection  
6 (5), all of the following apply:

7 (a) The thirty-second and seventy-sixth probate courts are  
8 abolished. The thirty-second-a court district consists of all of  
9 the territory of the former thirty-second and seventy-sixth probate  
10 courts before the effective date of the amendatory act that added  
11 this subdivision.

12 (b) The thirty-second-a probate court district is divided into  
13 the following election divisions:

14 (i) The first division consists of the county of Sanilac and  
15 has 1 judge.

16 (ii) The second division consists of the county of Huron and  
17 has 1 judge.

18 (iii) The third division consists of the consolidated district  
19 of the counties of Huron and Sanilac and has 1 judge.

20 (c) Each incumbent judge of probate from the former thirty-  
21 second and seventy-sixth probate courts shall serve as a judge of  
22 probate in the consolidated district for the balance of his or her  
23 elected term. The first division shall initially be filled by the  
24 incumbent judge from the seventy-sixth probate court. The second  
25 division shall initially be filled by an incumbent judge from the  
26 thirty-second probate court. The third division shall initially be  
27 filled by the longest serving incumbent judge from the thirty-  
28 second probate court.

29 (7) ~~(5)~~—The county of Chippewa has the following number of

1 judges of probate:

2 ~~(a) Until April 1, 2012, 1 judge.~~

3 ~~(a)~~ ~~(b)~~ Beginning April 1, 2012, under **Under** section 15 of  
 4 article VI of the state constitution of 1963, the office of probate  
 5 judge for the county of Chippewa shall be combined with the office  
 6 of judge of the ninety-first judicial district, and the county of  
 7 Chippewa shall have 2 judges of probate. The judgeship added under  
 8 this subdivision shall be filled by the incumbent judge of the  
 9 ninety-first judicial district, who shall become a probate judge  
 10 for the county of Chippewa for the balance of the term to which he  
 11 or she was elected.

12 ~~(b)~~ ~~(c)~~ Beginning the earlier of the following dates, the  
 13 county of Chippewa has 1 judge of probate:

14 (i) The date on which a vacancy occurs in the office of probate  
 15 judge in this county.

16 (ii) The beginning date of the term for which an incumbent  
 17 probate judge in this county no longer seeks election or reelection  
 18 to that office.

19 ~~(8)~~ ~~(6)~~ The counties of Berrien, Genesee, Ingham, Macomb,  
 20 Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw each has 2  
 21 judges of probate.

22 ~~(9)~~ ~~(7)~~ The county of Kalamazoo has 3 judges of probate.

23 ~~(10)~~ ~~(8)~~ The county of Kent has 4 judges of probate.

24 ~~(11)~~ ~~(9)~~ The county of Oakland has 4 judges of probate.

25 ~~(12)~~ ~~(10)~~ The county of Wayne has 8 judges of probate.

26 ~~(13)~~ ~~(11)~~ When 1 or more new judges of probate are authorized  
 27 in a county under this section, the new judgeship or judgeships  
 28 shall appear on the ballot separate and apart from other judicial  
 29 offices of the same court in the primary and general election.



1       Sec. 807. **(1)** A probate court district is created in each of  
2 the following described districts when a majority of the electors  
3 voting on the question in each affected county approves the probate  
4 court district. The districts shall consist as follows:

5       (a) The first district consists of the counties of Houghton  
6 and Keweenaw.

7       (b) The fifth district consists of the counties of Schoolcraft  
8 and Alger.

9       (c) The sixth district consists of the counties of Mackinac  
10 and Luce.

11       (d) The seventh district consists of the counties of Emmet and  
12 Charlevoix.

13       (e) The seventeenth district consists of the counties of Clare  
14 and Gladwin.

15       (f) The eighteenth district consists of the counties of  
16 Mecosta and Osceola.

17       **(2) Beginning January 1, 2021, the thirty-second-a probate**  
18 **court district is created and consists of the counties of Huron and**  
19 **Sanilac if a majority of the electors voting on the question in**  
20 **each affected county approves the probate court district.**

21       Enacting section 1. This amendatory act takes effect 90 days  
22 after the date it is enacted into law.

