

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 85
MAGISTRATES

600.8501 District court magistrates; number; appointment; approval; qualifications; thirty-sixth district.

Sec. 8501. (1) In a county that elects by itself fewer than 2 district judges, the county board of commissioners shall provide for 1 district court magistrate. In all other counties in districts of the first and second class, the county board of commissioners shall provide for not less than 1 magistrate if recommended by the judges of the district. Additional magistrates may be provided by the board upon recommendation of the judges. All magistrates provided for shall be appointed by the judges of the district and the appointments shall be subject to approval by the county board of commissioners before a person assumes the duties of the office of magistrate.

(2) In each district of the third class, the judge or judges of the district may appoint 1 or more district court magistrates. A person shall not be appointed magistrate unless the person is a registered elector in the district for which the person was appointed or in an adjoining district if the appointment is made under a plan of concurrent jurisdiction adopted under chapter 4. Before a person assumes the duties of the office of magistrate in a district of the third class, the appointment of that person as a district court magistrate is subject to approval by the governing body or bodies of the district control unit or units that, individually or in the aggregate, contain more than 50% of the population of the district. This subsection does not apply to the thirty-sixth district.

(3) The thirty-sixth district shall have not more than 6 district court magistrates. The chief judge of the thirty-sixth district may appoint 1 or more magistrates as permitted by this subsection. If a vacancy occurs in the office of district court magistrate, the chief judge may appoint a successor. Each magistrate appointed under this subsection shall serve at the pleasure of the chief judge of the thirty-sixth district.

(4) A person shall not be appointed district court magistrate under subsection (3) unless the person is a registered elector in the district or in an adjoining district if the appointment is made under a plan of concurrent jurisdiction adopted under chapter 4.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1976, Act 16, Eff. Apr. 1, 1976;—Am. 1978, Act 164, Imd. Eff. May 25, 1978;—Am. 1980, Act 438, Eff. Sept. 1, 1981;—Am. 1981, Act 146, Eff. Dec. 1, 1981;—Am. 1984, Act 278, Eff. Jan. 1, 1985;—Am. 1988, Act 135, Imd. Eff. May 27, 1988;—Am. 2016, Act 165, Eff. Sept. 7, 2016.

Compiler's note: Sections 2 to 7 of Act 164 of 1978 provide:

“Sections 600.6404, 600.6410, and 600.6413 effective January 1, 1979; effective date of changes in composition of judicial circuits or district court districts.

“Section 2. Sections 6404, 6410, and 6413 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, being sections 600.6404, 600.6410, and 600.6413 of the Compiled Laws of 1970, shall not take effect until January 1, 1979. Except as otherwise provided in sections 524, 527, and 534 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, being sections 600.524, 600.527, and 600.534 of the Compiled Laws of 1970, the changes in the composition of judicial circuits or district court districts as provided in this amendatory act shall become effective for judicial purposes on January 1, 1979.

“Election to fill new circuit and district judgeships; term.

“Section 3. Except as otherwise provided in sections 4, 5, 6 and 7, the new circuit and district judgeships created by this amendatory act shall be filled by election pursuant to Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws, for a term of 6 years commencing January 1, 1979.

“Ballot; nominating petition; affidavit of candidacy.

“Section 4. The new judgeships authorized by this amendatory act shall appear on the ballot separate and apart from other judicial offices on the ballot in the primary and general election in the respective circuit and district court districts. If another judicial office of the same court is to be filled by election in the same circuit or district, a candidate for a new judgeship authorized in that circuit or district by this amendatory act shall indicate, at the time of filing nominating petitions, whether the candidate is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in the applicable year. Petitions for a new judgeship created by this act shall bear signatures affixed to the petition after the effective date of this act. An elected incumbent circuit judge in a circuit in which the number of circuit judges has been increased by this amendatory act may become a candidate in the primary election for that office for any term for which a circuit judge is to be elected at the 1978 general election in that circuit by filing an affidavit of candidacy with the secretary of state not later than 4 days after the effective date of this amendatory act.

“Terms of judges.

“Section 5. Of the 2 additional judgeships created for the third judicial circuit, the candidate receiving the highest number of votes in the 1978 general election shall be elected for a term of 8 years and the candidate receiving the second highest number of votes shall be elected for a term of 6 years. Of the 3 additional judgeships created for the sixth judicial circuit, the candidate receiving the highest number of votes in the 1978 general election shall be elected for a term of 8 years and the candidates receiving the second and third highest number of votes shall be elected for a term of 6 years. Of the 2 additional judgeships created for the thirtieth judicial circuit, the candidate receiving the highest number of votes in the 1978 general election shall be elected for a term of 8 years and the candidate receiving the second highest number of votes shall be elected for a term of 6 years. The additional circuit judges authorized by this amendatory act in the eighth, seventeenth, and twenty-ninth judicial circuits shall be elected for a term of 8 years. The additional circuit

judge authorized by this amendatory act in the eighteenth, thirty-first, thirty-eighth, and fortieth judicial circuits shall be elected for a term of 10 years. The additional district judges authorized in the thirty-fifth and forty-first-a districts and in the first division of the fifty-sixth district shall be elected for a term of 4 years.

“Election of additional judges; assumption and term of office.

“Section 6. (1) The additional district judges authorized by this amendatory act in the fifty-fourth-b district and the first division of the fifty-second district shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 4 years.

“(2) The additional circuit judge authorized by this amendatory act in the fourteenth judicial circuit shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 8 years.

“Residence of certain circuit judges; effect.

“Section 7. If the circuit judge elected in the twenty-sixth judicial circuit in 1978 is a resident of the county of Cheboygan on June 6, 1978, that person shall continue during the remainder of his or her term after January 1, 1981 as a judge of the thirty-third judicial circuit and the second circuit judgeship authorized by law for the twenty-sixth judicial circuit shall be filled by election in 1980 for a term of 8 years. If the circuit judge elected in the twenty-sixth judicial circuit in 1978 is a resident of 1 of the counties of Alpena, Montmorency, or Presque Isle on June 6, 1978, that person shall continue during the remainder of his or her term after January 1, 1981 as a judge of the twenty-sixth judicial circuit and the second circuit judgeship authorized by law for the thirty-third judicial circuit shall be filled by election in 1980 for a term of 6 years.”

Section 1 of Act 128 of 1980 provides:

“Enacting sections amended; revised judicature act of 1961.

“Section 1. Enacting sections 6 and 7 of Act No. 164 of the Public Acts of 1978 are amended to read as follows:

“Election of additional judges; assumption and terms of office.

“Section 6. (1) The additional district judge authorized by this amendatory act in the first division of the fifty-second district shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 8 years.

“(2) The additional circuit judge authorized by this amendatory act in the fourteenth judicial circuit shall be elected in 1980 and shall assume office on January 1, 1981, for a term of 8 years.

“Twenty-sixth judicial circuit; vacancy; residence of candidates; eligibility of electors; failure of Cheboygan county to approve creation of fifty-third judicial circuit and circuit judgeship.

“Section 7. (1) If a vacancy occurs in the twenty-sixth judicial circuit between the effective date of this section, as amended, and June 3, 1980, candidates to fill the unexpired portion of the term shall be residents of the twenty-sixth judicial circuit as that circuit will be constituted on January 1, 1981, pursuant to this act. Electors of the counties of Alcona, Alpena, Montmorency, and Presque Isle shall be eligible to vote in the primary and general elections of 1980 to fill that vacancy and electors of those counties are qualified to sign and circulate nominating petitions for candidates to fill the vacancy.

“(2) If the county of Cheboygan does not approve the creation of the fifty-third judicial circuit and the circuit judgeship proposed for it pursuant to House Bill No. 5553 of the 1980 regular session of the legislature, the second circuit judgeship authorized by law for the thirty-third judicial circuit shall be filled by election in 1980 for a term of 6 years.”

Sections 2 and 4 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of certain sections.

“Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.”

Sections 2, 3, and 4 of Act 146 of 1981 provide:

“Repeal of MCL 600.8286, 600.8287, and 600.8288; effective date of repeal; exception.

“Section 2. Except as provided in enacting section 4, sections 8286, 8287, and 8288 of Act No. 236 of the Public Acts of 1961, being sections 600.8286, 600.8287, and 600.8288 of the Compiled Laws of 1970, are repealed effective January 1, 1983.

“Effective date of MCL 600.8286, 600.8287, 600.8288, and 600.8501; exception.

“Section 3. Except as provided in enacting section 4, sections 8286, 8287, 8288, and 8501 shall take effect December 1, 1981.

“Conditional effective date of MCL 600.8286, 600.8287, 600.8288, and 600.8501, and of enacting Section 2; adoption and filing of resolution by city of Detroit; effect of assuming responsibility for expenses.

“Section 4. (1) Sections 8286, 8287, 8288, and 8501 and enacting section 2 shall not take effect unless the city of Detroit, by resolution adopted not later than November 30, 1981, by the governing body of the city, agrees to assume responsibility for any expenses required of the city by this amendatory act and an authenticated copy is filed with the secretary of state not later than 4 p.m. November 30, 1981.

“(2) If the city of Detroit, acting through its governing body, agrees to assume responsibility for any expenses required of the city by this amendatory act, that action constitutes an exercise of the city's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit beyond that required by existing law, as the elements of that option are defined by Act No.

101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city of all expenses and capital improvements which may result from establishment of the office of district court referee in the thirty-sixth district of the district court.”

The resolution referred to in Section 4 was adopted by the city council of the city of Detroit on November 25, 1981, and an authenticated copy was filed with the secretary of state at 3:30 p.m. on November 30, 1981.

Section 2 of Act 135 of 1988 provides:

“Any additional district judgeship to be added by election in 1988 shall not be authorized to be filled by election unless each district control unit of the district, by resolution adopted by the governing body of the district control unit, approves the creation of that judgeship and unless the clerk of each district control unit adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the tenth Tuesday preceding the August primary for the election to fill the additional district judgeship.”

600.8503 District court of first or second class; clerk or deputy clerk as magistrate.

Sec. 8503. Subject to the provisions of section 8501, the judges of the district court within a district of the first or second class may appoint a clerk or deputy clerk as a magistrate to perform the duties and exercise the powers of a magistrate in addition to the duties as a clerk or deputy clerk of the district court.

History: Add. 1970, Act 61, Eff. Apr. 1, 1971;—Am. 1984, Act 278, Eff. Jan. 1, 1985.

600.8507 Magistrates; qualifications; term; oath; bond; temporarily absent or incapacitated magistrate; ordering temporary service of magistrate of another county; reimbursement; service of magistrate in another county; service of magistrate pursuant to multiple district plan.

Sec. 8507. (1) Magistrates shall be registered electors in the county in which they are appointed. All magistrates appointed shall serve at the pleasure of the judges of the district court. Before assuming office, persons appointed magistrates shall take the constitutional oath of office and file a bond with the treasurer of a district funding unit of that district in an amount determined by the state court administrator. The bond shall also apply to temporary service in another county under subsection (2), (3), or (4), or pursuant to a multiple district plan under subsection (5).

(2) In a district of the first class that consists of more than 1 county, if a magistrate is temporarily absent or incapacitated, the chief or only district judge may direct a magistrate of another county of the same district to serve temporarily in the county where the magistrate is temporarily absent or incapacitated. The district judge shall make his or her order in writing. A magistrate serving temporarily under this subsection is not entitled to additional compensation but shall be reimbursed for actual and necessary expenses incurred during the authorized temporary service upon certification and approval by the state court administrator. Upon allowance, the reimbursement shall be paid by the state treasurer out of the appropriation for the state court administrative office.

(3) In a district of the first class that consists of more than 1 county, the chief or only district judge may authorize a magistrate appointed in 1 county to serve in another county in the district.

(4) Pursuant to a multiple district plan under section 8320 involving adjoining districts of the first class, a district court magistrate appointed in a county of 1 district may be authorized to serve in a county of the adjoining district. While serving in the adjoining district, the magistrate shall be subject to the superintending control of the chief or only district judge of that district.

(5) Pursuant to a multiple district plan under section 8320 involving districts in the same county, a district court magistrate may be authorized to serve in any participating district of the county.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1976, Act 16, Eff. Apr. 1, 1976;—Am. 1980, Act 294, Imd. Eff. Oct. 19, 1980;—Am. 1994, Act 5, Imd. Eff. Feb. 24, 1994;—Am. 2005, Act 326, Imd. Eff. Dec. 27, 2005.

Compiler's note: Enacting section 1 of Act 326 of 2005 provides:

"Enacting section 1. Section 8507 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8507, as amended by this amendatory act, applies to bonds filed or renewed by district court magistrates after December 31, 2005."

600.8509 Repealed. 1969, Act 333, Imd. Eff. Nov. 4, 1969.

Compiler's note: The repealed section pertained to magistrates; jurisdiction and duties.

600.8511 District court magistrate; jurisdiction and duties.

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

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

(i) Part 487 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.48701 to 324.48740.

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

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

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

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

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

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

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

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

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

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

(xii) Chapter LXXXV of the Michigan penal code, 1931 PA 328, MCL 750.546 to 750.552c.

(b) To arraign and sentence upon pleas of guilty or nolo contendere for violations of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a local ordinance substantially corresponding to a provision of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, except for violations of sections 625 and 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local ordinance substantially corresponding to section 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, if authorized by the chief judge of the district court district and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However, the chief judge may authorize the magistrate to arraign defendants and set bond with regard to violations of sections 625 and 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local ordinance substantially corresponding to section 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m.

(c) To arraign and sentence upon pleas of guilty or nolo contendere for violations of part 811 or 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150 and 324.82101 to 324.82160, or a local ordinance substantially corresponding to a provision of part 811 or 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150 and 324.82101 to 324.82160, except for violations of sections 81134, 81135, 82128, and 82129 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129, or a local ordinance substantially corresponding to sections 81134, 81135, 82128, and 82129 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129, if authorized by the chief judge of the district court district and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However, the chief judge may authorize the magistrate to arraign defendants and set bond with regard to violations of sections 81134, 81135, 82128, and 82129 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129.

(d) To arraign, if authorized by the chief judge of the district court district, for a contempt violation or a violation of a condition of probation if either arises directly out of a case for which a judge or district court magistrate conducted the arraignment under subdivision (a), (b), or (c), or the first appearance under section 8513, involving the same defendant. This subdivision applies only to offenses punishable by imprisonment for not more than 1 year or a fine, or both. The district court magistrate may set bond and accept a plea but shall not conduct a violation hearing or sentencing.

(e) To issue warrants for the arrest of a person upon the written authorization of the prosecuting or municipal attorney, except written authorization is not required for a vehicle law or ordinance violation within the jurisdiction of the magistrate if a police officer issued a traffic citation under section 728 of the Michigan vehicle code, 1949 PA 300, MCL 257.728, and the defendant failed to appear.

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

(g) To issue search warrants, if authorized to do so by a district court judge.

(h) To conduct probable cause conferences and all matters allowed at the probable cause conference, except for the taking of pleas and sentencings, under section 4 of chapter VI of the code of criminal procedure, 1927 PA 175, MCL 766.4, when authorized to do so by the chief district court judge.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1969, Act 182, Imd. Eff. Aug. 5, 1969;—Am. 1970, Act 238, Eff. Jan. 1, 1971;—Am. 1976, Act 402, Imd. Eff. Jan. 5, 1977;—Am. 1984, Act 290, Imd. Eff. Dec. 20, 1984;—Am. 1990, Act 266, Imd. Eff. Oct. 17, 1990;—Am. 1996, Act 79, Imd. Eff. Feb. 27, 1996;—Am. 1999, Act 75, Eff. Oct. 1, 1999;—Am. 2008, Act 95, Imd. Eff. Apr. 8, 2008;—Am. 2014, Act 124, Imd. Eff. May 20, 2014.

Compiler's note: Section 2 of Act 402 of 1976 provides:

"District court magistrates may exercise any authority or duty added by this amendatory act with regard to violations occurring before, on, or after the effective date of this amendatory act."

Enacting section 2 of Act 124 of 2014 provides:

"Enacting section 2. This amendatory act applies to cases in which the defendant is arraigned in the district court or the municipal court on or after January 1, 2015."

600.8512 Authority of district court magistrate; special training course in traffic law and sanctions; limitation on authority.

Sec. 8512. (1) A district court magistrate may hear, preside over, and conduct any of the following in civil infraction actions under section 746 of the Michigan vehicle code, 1949 PA 300, MCL 257.746, the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967, or section 8719 or 8819 of this act, or in civil fine actions under the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430, as applicable:

- (a) Admissions.
- (b) Admissions with explanation.
- (c) Motions to set aside default or withdraw admissions.
- (d) Informal hearings.

(2) In exercising the authority conferred under subsection (1), a district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law. If a defendant is determined to be responsible for a civil infraction, or, under the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430, a civil fine, the district court magistrate may impose the civil sanctions authorized by section 907 of the Michigan vehicle code, 1949 PA 300, MCL 257.907, the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967, the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430, or section 8827 of this act, as applicable.

(3) A district court magistrate shall not conduct an informal hearing in a civil infraction action involving a traffic or parking violation governed by the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, until he or she has successfully completed a special training course in traffic law adjudication and sanctions. The course must be given periodically by the state court administrator.

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

History: Add. 1978, Act 511, Eff. Aug. 1, 1979;—Am. 1984, Act 278, Eff. Jan. 1, 1985;—Am. 1994, Act 12, Eff. May 1, 1994;—Am. 1995, Act 54, Eff. Jan. 1, 1996;—Am. 2014, Act 384, Imd. Eff. Dec. 18, 2014;—Am. 2022, Act 242, Eff. Mar. 29, 2023.

600.8512a Powers of district court magistrate generally.

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

- (a) Accept an admission of responsibility, decide a motion to set aside a default or withdraw an admission, and order civil sanctions for a civil infraction and order an appropriate civil sanction permitted by the statute or ordinance defining the act or omission.
- (b) Accept a plea of guilty or nolo contendere and impose sentence for a misdemeanor or ordinance violation punishable by a fine and which is not punishable by imprisonment by the terms of the statute or ordinance creating the offense.

History: Add. 1984, Act 278, Eff. Jan. 1, 1985;—Am. 2014, Act 384, Imd. Eff. Dec. 18, 2014.

600.8513 Additional powers of district court magistrate; judicial immunity.

Sec. 8513. (1) When authorized by the chief judge of the district and whenever a district judge is not immediately available, a district court magistrate may conduct the first appearance of a defendant before the court in all criminal and ordinance violation cases, including acceptance of any written demand or waiver of preliminary examination and acceptance of any written demand or waiver of jury trial. However, this section does not authorize a district court magistrate to accept a plea of guilty or nolo contendere not expressly authorized under section 8511 or 8512a. A defendant neither demanding nor waiving preliminary examination in writing is deemed to have demanded preliminary examination and a defendant neither demanding nor waiving jury trial in writing is considered to have demanded a jury trial.

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

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

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

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

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

(3) A district court magistrate, for acts expressly authorized by the chief judge and by law, has judicial immunity to the extent accorded a district court judge.

History: Add. 1984, Act 278, Eff. Jan. 1, 1985;—Am. 2008, Act 95, Imd. Eff. Apr. 8, 2008;—Am. 2014, Act 384, Imd. Eff. Dec. 18, 2014.

600.8514 Administration of oaths; examination of witnesses; findings of fact and conclusions of law; recommending judgment; functions of magistrate.

Sec. 8514. A district court magistrate who is an attorney licensed to practice law in this state, if authorized by the chief judge of the district, in cases in the small claims division, may administer oaths, examine witnesses, make findings of fact and conclusions of law, and recommend a judgment in the case. In doing so, the magistrate shall perform all functions which a district judge could perform in trying a case in the small claims division. A recommended judgment shall become a final judgment as of the date the judgment was recommended unless an appeal is taken within 7 days after the judgment was recommended.

History: Add. 1984, Act 278, Eff. Jan. 1, 1985.

600.8515 Appeals.

Sec. 8515. Appeals as of right may be taken from the district court magistrate to the district court. Appeal shall be taken within 7 days after the entry of the decision of the magistrate and shall be heard de novo.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1979, Act 67, Eff. Aug. 1, 1979.

600.8521 Magistrates; compensation.

Sec. 8521. (1) Magistrates shall be paid by the county in districts of the first and second class and by the district control unit or units in districts of the third class on a salary or per diem basis as determined by the county board of commissioners in districts of the first and second class or by the governing bodies of the district control unit or units in districts of the third class except that in no case shall the salary of the magistrate be less than \$5,000.00 per year if paid a salary or less than \$20.00 per day and \$10.00 per half day if paid per diem. Uniformity in compensation of magistrates within a county in a district of the first class or within a district of the second class is not essential. Where a magistrate is paid on a per diem basis, the presiding judge of the district shall certify the number of days and half days which the magistrate worked in a pay period.

(2) The salaries of all magistrates appointed to serve in the thirty-sixth district shall be uniform.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1976, Act 16, Eff. Apr. 1, 1976;—Am. 1980, Act 438, Eff. Sept. 1, 1981;—Am. 1996, Act 374, Eff. Oct. 1, 1996.

Compiler's note: Sections 2 and 4 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills

listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of certain sections.

“Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.”

600.8525 Practice of law prohibited.

Sec. 8525. An attorney at law who is a magistrate shall be prohibited from the practice of law in the district court for the district in which the attorney serves. A person who is appointed as a magistrate in the thirty-sixth district shall not engage in the practice of law while he or she is a magistrate.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1976, Act 16, Eff. Apr. 1, 1976;—Am. 1980, Act 438, Eff. Sept. 1, 1981.

Compiler's note: Sections 2 and 4 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of certain sections.

“Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.”

600.8535 Disposition of fines and costs.

Sec. 8535. (1) Except as provided in subsection (2), district court magistrates shall pay all fines and costs received by them to the clerk of the district court on or before the last day of the month following receipt of those funds, which shall be allocated as provided in section 8379.

(2) In the thirty-sixth district, each district court magistrate shall cause all fines and costs received by the magistrate to be paid immediately to the clerk of the district court for the thirty-sixth district.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1980, Act 438, Eff. Sept. 1, 1981.

Compiler's note: Sections 2 and 4 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of certain sections.

“Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.”

600.8541 Superintending control of district judge; limitation; functions and duties of district judge in chambers.

Sec. 8541. (1) The judges of the district court shall exercise superintending control over all magistrates within their districts. A district judge may not extend the jurisdiction of a district court magistrate beyond the jurisdiction expressly provided by law.

(2) A district court judge may perform in chambers all functions and duties which a district court magistrate is authorized to perform under section 8511 or 8512a.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1984, Act 278, Eff. Jan. 1, 1985.

600.8545 Small claims division; duties.

Sec. 8545. Magistrates shall exercise the same powers and perform the same duties as deputy clerks of the district court for the purpose of carrying out the provisions of chapter 84 although they shall not be considered deputy clerks.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.

600.8551 Magistrates to sit at county seat, city, or other determined location.

Sec. 8551. Magistrates shall sit at any county seat and city or other locations as determined by the presiding judge.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1976, Act 16, Eff. Apr. 1, 1976.

600.8555 Repealed. 2005, Act 326, Imd. Eff. Dec. 27, 2005.

Compiler's note: The repealed section pertained to maintenance of docket on certain forms.