

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE

Respectfully submits the following position on:

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SB 0453

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is to support the bill.

The total membership of the Criminal Jurisprudence & Practice Committee is 17.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 17. The number who voted in favor to this position was 8. The number who voted opposed to this position was 3. The number who abstained from voting was 0.

Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence & Practice Committee

Contact persons:

Nichole Jongsma Derks

J. Kevin McKay

E-Mail/Phone:

nderks@fosterswift.com

kevin.mckay@kentcountymi.gov

Bill Number:

[SB 0453](#) (Jones) Courts; district court; residency requirement for magistrate in the third class district courts; expand. Amends sec. 8501 of [1961 PA 236](#) (MCL [600.8501](#)).

Date position was adopted:

October 29, 2015

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

17

Number who voted in favor and opposed to the position:

8 Voted for position

3 Voted against position

0 Abstained from vote

6 Did not vote (absent)

Position:

Support

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2015-SB-0453>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys**
- ✓ **The improvement of the functioning of the courts**
- The availability of legal services to society**
- The regulation of attorney trust accounts**
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.**

Keller-permissible explanation:

The committee agreed in a non-unanimous fashion (9 to 2) that the bill was Keller Permissible in affecting the functioning of the courts. Some smaller district courts cannot afford to hire full-time magistrates, so their Chief Judges would like to be able to appoint other qualified court staff as a magistrate in a back-up or dual role. The current state of the law requires district court magistrates in 3rd class district courts to be a registered voter in the district the court serves [city, township or village] and this can limit a court's options as to what other qualified court personnel can be appointed. For example, many 3rd class district courts have a court administrator, deputy court administrator, or probation officer that could serve as a district court magistrate, but they live in the adjoining city or township and cannot be appointed. Being able to appoint other qualified court personnel to serve as a district court magistrate allows district judges to continue hearing their assigned cases without being interrupted during the business day with swearing out complaints and warrants, etc.