

HOUSE BILL No. 4496

April 20, 1999, Introduced by Rep. Jacobs and referred to the Committee on Family and Civil Law.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8312 (MCL 600.8312).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8312. (1) In a district of the first class, venue in
2 criminal actions for violations of state law and all city, vil-
3 lage, or township ordinances shall be in the county where the
4 violation took place.

5 (2) In a district of the second class, venue in criminal
6 actions for violations of state law and all city, village, or
7 township ordinances shall be in the district where the violation
8 took place.

9 (3) In a district of the third class, venue in criminal
10 actions for violations of state law and all city, village, or
11 township ordinances shall be in the political subdivision where

1 the violation took place, except that when the violation is
2 alleged to have taken place within a political subdivision where
3 the court is not required to sit, the action may be tried in any
4 political subdivision within the district where the court is
5 required to sit.

6 (4) With regard to state criminal violations cognizable by
7 the district court, the following special provisions shall
8 apply:

9 (a) If an offense is committed on the boundary of 2 or more
10 counties, districts, or political subdivisions or within 1 mile
11 thereof, venue is proper in any of the counties, districts, or
12 political subdivisions concerned.

13 (b) If an offense is committed in or upon any railroad
14 train, automobile, aircraft, vessel, or other conveyance in tran-
15 sit, and it cannot readily be determined in which county, dis-
16 trict, or political subdivision the offense was committed, venue
17 is proper in any county, district, or political subdivision
18 through or over which the conveyance passed in the course of its
19 journey.

20 (5) Venue in civil actions, other than civil infraction
21 actions, shall be governed by sections 1601 to 1659 except that
22 for purposes of this subsection all references to "county" in
23 sections 1601 to 1659 shall mean "district" with respect to dis-
24 tricts of the second and third class.

25 (6) Venue in civil infraction actions shall be determined as
26 follows:

1 (a) In a district of the first class, venue shall be in the
2 county where the civil infraction occurred.

3 (b) In a district of the second class, venue shall be in the
4 district where the civil infraction occurred.

5 (c) In a district of the third class, venue shall be in the
6 political subdivision where the civil infraction occurred, except
7 that when the violation is alleged to have taken place within a
8 political subdivision where the court is not required to sit, the
9 action may be heard or an admission entered in any political sub-
10 division within the district where the court is required to sit.

11 (7) NOTWITHSTANDING SUBSECTIONS (1) TO (6), AND SUBJECT TO
12 SECTION 13 OF CHAPTER IV OF THE CODE OF CRIMINAL PROCEDURE, MCL
13 764.13, IN A COUNTY THAT CONTAINS MORE THAN 1 JUDICIAL DISTRICT,
14 THE STATE COURT ADMINISTRATOR AT THE DIRECTION OF THE SUPREME
15 COURT, THE DEPARTMENT OF STATE POLICE, AND THE LOCAL FUNDING UNIT
16 FOR A JUDICIAL DISTRICT WITHIN THE COUNTY MAY AGREE TO DESIGNATE
17 THAT DISTRICT AS BEING A DISTRICT FOR VENUE FOR SOME OR ALL
18 ACTIONS ARISING OUT OF CITATIONS ISSUED WITHIN THAT COUNTY BY THE
19 DEPARTMENT OF STATE POLICE FOR VIOLATIONS OF THE MICHIGAN VEHICLE
20 CODE, 1949 PA 300, MCL 257.1 TO 257.923. AN AGREEMENT ENTERED
21 INTO UNDER THIS SUBSECTION IS NOT VALID UNLESS IT IS APPROVED BY
22 EACH OF THE LOCAL FUNDING UNITS FOR JUDICIAL DISTRICTS THAT WOULD
23 OTHERWISE HAVE BEEN THE DISTRICT OF VENUE FOR ACTIONS DESCRIBED
24 IN THE AGREEMENT. IF AN AGREEMENT IS ENTERED INTO UNDER THIS
25 SUBSECTION, VENUE FOR AN ACTION DESCRIBED IN THE AGREEMENT SHALL
26 BE AS DETERMINED IN THE AGREEMENT. MORE THAN 1 DISTRICT IN THE
27 COUNTY MAY BE DESIGNATED AS A DISTRICT OF VENUE UNDER THIS

01124'99

1 SUBSECTION, BUT A SEPARATE AGREEMENT IS REQUIRED FOR EACH
2 DESIGNATION. AN AGREEMENT UNDER THIS SUBSECTION SHALL BE EFFEC-
3 TIVE ON A DATE AGREED UPON BY THE PARTIES AND MAY BE MODIFIED BY
4 AGREEMENT OF THE PARTIES. AN AGREEMENT UNDER THIS SUBSECTION MAY
5 BE CANCELED BY ANY OF THE 3 PARTIES, SUBJECT TO GIVING AT LEAST
6 180 DAYS' PRIOR NOTICE OF INTENT TO CANCEL TO BOTH OF THE OTHER
7 PARTIES. THE FUNDING UNIT FOR THE THIRTY-SIXTH JUDICIAL DISTRICT
8 SHALL NOT ENTER INTO AN AGREEMENT FOR THAT JUDICIAL DISTRICT
9 UNDER THIS SUBSECTION.

10 (8) ~~-(7)-~~ For purposes of venue, a city which is located in
11 more than 1 county and which is placed in 1 district of the first
12 class by chapter 81 ~~—~~ shall be considered a part of that county
13 which contains the greater portion of its population.