

Legislative Analysis



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JUDGESHIPS

House Bill 5121 as enacted
Public Act 56 of 2014
Sponsor: Rep. John Walsh

House Bill 5122 as enacted
Public Act 57 of 2014
Sponsor: Rep. Joe Haveman

House Bill 5123 as enacted
Public Act 58 of 2014
Sponsor: Rep. Kevin Cotter

House Committee: Judiciary
Senate Committee: Judiciary

Complete to 7-30-14

House Bill 5124 as enacted
Public Act 59 of 2014
Sponsor: Rep. Tom Leonard

House Bill 5125 as enacted
Public Act 60 of 2014
Sponsor: Rep. Kurt Heise

A SUMMARY OF HOUSE BILLS 5121-5125 AS ENACTED

The bills amend several sections of the Revised Judicature Act, based on the 2013 *Judicial Resources Recommendations* (JRR) report of the Supreme Court Administrative Office, to add or eliminate judgeships from certain district and circuit courts and to merge or consolidate certain judicial circuits.

As enacted, the bills did not change the total number of judgeships across the state, though some circuit and district courts do see an increase or reduction in their number of judges.

In general, the reductions or consolidations would take effect:

(1) on the date on which a vacancy occurred (unless the vacancy occurs after the vacating judge has been defeated in a primary or general election) or on the beginning date of the term for which an incumbent no longer seeks election or reelection to that office, whichever occurs first; or

(2) by eliminating the judgeship of a judge who is not eligible to run for reelection in 2014 due to constitutional limitation as of the bill's effective date. Judges are not eligible to run for election or reelection after the age of 70.

The table on the following page summarizes the judgeship changes by bill:

<u>Bill Number</u>	<u>Location</u>	<u>County/City</u>	<u>Addition/Reduction</u>
HB 5121	16 th Judicial Circuit	Macomb County	+2 circuit judges
HB 5122	6 th Judicial Circuit	Oakland County	+1 circuit judge
HB 5123	17 th Judicial Circuit	Kent County	+1 circuit judge
	7 th District	Van Buren County	Keeps 1 district judge scheduled to be eliminated by attrition – net effect is +1 judge
	18 th and 29 th District	18 th – City of Westland 29 th – City of Wayne	Consolidation into the 18 th District – net effect is 0 judges (Effective 1/2/2015)
	27 th and 28 th District	27 th – Cities of Wyandotte and Riverview 28 th – City of Southgate	Consolidation into the 26 th District – net effect is 0 judges (Effective 1/2/2015)
	36 th District	City of Detroit	-1 district judge
HB 5124	3 rd Judicial Circuit	Wayne County	-4 circuit judges
HB 5125	63 rd District	Kent County	+1 district judge (Abolishes election districts beginning 1/2/15)
	67 th and 68 th District	67 th – Genesee County 68 th – City of Flint	Consolidation into 67 th District – net effect is 0 judges
	70 th District	Saginaw County	Net effect is -1 district judge

The bills appear to call for a total of 6 additions and 6 reductions in judgeships in various areas of the state. The bills would add four circuit court judgeships, one district court judgeship, and eliminate the scheduled reduction of one district judgeship (thus adding 6 judgeships); and would reduce circuit court judgeships by four and district court judgeships by two. These changes result in a net change of zero additional judgeships to the state.

In addition, regarding the consolidation of the 67th and 68th District Courts, House Bill 5125 requires that for at least two years after the bill takes effect, the governing body of the County of Genesee must maintain a court facility in each municipality within the county where a court facility existed on the bill's effective date (March 27, 2014), and could continue to maintain the facilities after that date has elapsed.

FISCAL IMPACT:

The state pays for the salaries, payroll taxes, and retirement benefits for circuit and district court judges. Fringe benefits, personnel costs, and costs for supplies, equipment, and space are paid for by the local court system. Each circuit court judgeship costs the state \$158,791. This amount includes the circuit court judge's salary of \$139,919, payroll taxes of \$9,078, and retirement costs of \$9,794. Each district court judgeship costs the state \$157,005. This amount includes the district court judge's salary of \$138,272, payroll taxes of \$9,054, and retirement costs of \$9,679. Local costs vary from circuit to circuit and district to district.

BACKGROUND INFORMATION:

In order to monitor judicial costs and caseloads, the State Court Administrative Office (SCAO) reviews the state's judicial needs every two years and compiles the findings in the *Judicial Resources Recommendations* (JRR). The report provides recommendations regarding the addition or removal of judgeships so that judicial resources are equitably distributed across the state. The 2013 JRR report recommended a total of 8 judgeships be added and a total of 8 judgeships be eliminated by attrition. The JRR also recommended several consolidations and court reconfigurations. The bills adopt most, but not all, of the JRR recommendations.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.