

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

600.9930 Municipal courts; abolition; function of district court; judges; transfer of cases; employees; municipal judge as district judge; retention of municipal court; resolutions; filing.

Sec. 9930.

(1) Effective January 1, 1971, all municipal courts which were not abolished by section 9921 due to the action of municipal governing bodies pursuant to the provisions of section 9928 are abolished.

(2) Effective January 1, 1971, the district court shall function in those districts in which municipal courts were retained under section 9928 except as otherwise provided in subsection (8). In such districts, district judges shall be elected in 1970 as provided in chapter 21a of Act No. 116 of the Public Acts of 1954, being sections 168.467 to 168.467m of the Compiled Laws of 1948. Except as otherwise provided in subsection (7), the number of district judges to be elected in each such district or election division thereof shall be as provided in chapter 81.

(3) Where only 1 judge is to be elected in a district or election division at the 1970 general election, he shall serve a term of 6 years. Where 2 or more judges are to be elected in a district or election division at the 1970 general election, their terms of office shall be determined in accordance with the formula prescribed in section 9926 for the 1968 general election, and the candidates who receive the highest number of votes in the 1970 general election shall serve the longest terms available at that election.

(4) All files, records, funds and pending cases of municipal courts abolished by this section shall be transferred to the district court in the same manner as prescribed in section 9924. The district court shall have jurisdiction to hear and determine all cases transferred under this section. All causes of action so transferred shall be as valid and subsisting as they were in the court from which they were transferred. All orders and judgments entered prior to January 1, 1971, by municipal courts abolished by this section shall be appealable in like manner and to the same courts as applicable prior to January 1, 1971.

(5) The rights and privileges accorded under subsections (4) and (5) of section 8271 to employees of courts abolished by section 9921 shall apply to employees of the municipal courts abolished by this section to the same extent and effect.

(6) After the effective date of this amendatory act, the term of office of all incumbent municipal and associate municipal judges ending prior to December 31, 1970, is extended through December 31, 1970, notwithstanding any provision of law or charter to the contrary.

(7) Where the total number of incumbent attorney municipal judges, in all cities having a population of 22,500 or more within a district of the third class or election division thereof, having terms of office which do not expire until after December 31, 1970, is equal to or less than the number of district judges to which such district or election division is entitled, such judge or judges shall become a judge of the district court, unless he files with the city clerk of the city in which he serves on or before May 1, 1970, an affidavit of intent not to be made a district judge, and shall serve through December 31 of the year in which his term as municipal judge would normally expire, except that when such term would normally expire in an odd numbered year he shall serve as a district judge through December 31 of the next even numbered year. Commencing with the 1970 general elections, the number of district judges to be elected in a district of the third class or an election division thereof, under the provisions of this section, shall be reduced by the number of municipal judges made district judges under this subsection. As the term of each such municipal judge becoming a judge of the district court expires, the number of district judges to be elected within such district or election division thereof shall be increased by 1. Under this subsection the term "municipal judge" or "municipal judges" shall be deemed to include an associate municipal judge only if such associate municipal judge is prohibited from practicing law pursuant to city charter or ordinance. In seeking election after the 1970 general election to the district court, such judges becoming judges of the district court may file affidavits of candidacy in like manner as elected incumbent district court judges and shall be entitled to designation on the ballot as a judge of the district court.

(8) The district court shall not function nor shall district judges be elected in any district of the third class in which 1 or more cities presently maintain municipal courts if:

(a) In a district which has only 1 city which maintains a municipal court, the governing body of that city elects to retain its municipal court by resolution adopted by its governing body within 17 days after the effective date of this 1969 amendatory act.

(b) In a district which has 2 cities which maintain municipal courts, the city having the largest population of those 2 cities elects to retain its municipal court by resolution adopted by its governing body within 17 days after the effective date of this 1969 amendatory act.

(c) In a district which has more than 2 cities which maintain municipal courts, a majority of the cities within the district elect to retain their municipal courts by resolution adopted by their respective governing bodies within 17 days after the effective date of this 1969 amendatory act.

(9) The city clerk of cities adopting resolutions under subsection (8) shall file copies of the resolutions with the court administrator and with the elections division of the department of state within 30 days after the adoption of the resolutions.

History: Add. 1969, Act 344, Imd. Eff. Jan. 3, 1970