

ADMINISTRATIVE ORDER 2005-01

APPOINTMENT OF ATTORNEY MAGISTRATE

**IT IS ORDERED.**

This administrative order is issued in accordance with MCL 600.8501; MSA 27A.8501 and MCL 600.8503; MSA 27A.8503. The purpose of this order is to appoint an attorney magistrate to perform specified duties upon approval by the State Court Administrative Office.

1. The Judges of the 12<sup>th</sup> District Court appoint Frederick C. Bishop as magistrate with the approval the Jackson County Board of Commissioners.
2. Frederick C. Bishop
  - a. Is a registered elector in the district.
  - b. Will serve at the pleasure of the Judges of the District Court.
  - c. Will take the constitutional oath of office.
  - d. Will file a performance bond in the amount of \$50,000.00 with the Jackson County Treasurer and the Chief Judge.
  - e. Will complete a training course in Traffic Law adjudication and sanctions given by the State Court Administrative Office.
  - f. Is licensed to practice law in Michigan.
3. Frederick C. Bishop is authorized to perform the following 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 and if the maximum permissible punishment does not exceed 90 days in jail or a fine, or both:
    - 1) SPORT FISHING SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.48701 to 324.48740 of the Michigan Compiled laws.

- 2) WILDLIFE CONSERVATION SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40199 of the Michigan Compiled Laws.
- 3) MARINE SAFETY SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199, except for violations of section 81076(l) and (3) of the Michigan Compiled Laws.
- 4) THE MOTOR CARRIER ACT, Act No. 254 of the Public Acts of 1933, as amended, being sections 475.1 to 479.44 of the Michigan Compiled Laws.
- 5) MOTOR CARRIER SAFETY ACT of 1963, Act No. 181 of the Public Acts of 1963, as amended, being sections 480.11 to 480.21 of the Michigan Compiled Laws.
- 6) DOG LAW OF 1919, Act No. 339 of the Public Acts of 1919, as amended, being sections 287.261 to 287.290 of the Michigan Compiled Laws.
- 7) MICHIGAN LIQUOR CONTROL ACT NO. 8 of the Public Acts of Extra Session of 1933, as amended, being sections 436.33b and 34. Possession of an alcoholic beverage by a person under 21 years of age. Consumption of an alcoholic beverage in public parks or places of amusement not licensed to sell for consumption on the premises.
- 8) GENERAL POWERS AND DUTIES SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.401 to 324.511 of the Michigan Compiled Laws.
- 9) LITTERING SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.8901 to 324.8907 of the Michigan Compiled Laws.
- 10) HUNTING AND FISHING LICENSES SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.43501 to 324.43561 of the Michigan Compiled Laws.
- 11) RECREATIONAL TRESPASS ACT, Act No. 451 of the Public Acts of 1994, being sections 324.73101 to 324.73111 of the Michigan Compiled Laws.

- 12) Chapter LXXXV of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.546 to 750.552a of the Michigan Compiled Laws. Includes prohibitions on illegal dumping of garbage or trash.
- b. To arraign and sentence upon pleas of guilty or nolo contendere for violations of the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws or a local ordinance substantially corresponding to a provision of the Michigan Vehicle Code except for violations of MCL 257.625 and 257.625m or a local ordinance substantially corresponding to a provision of MCL 257.625 and MCL 257.625m when authorized by the chief judge of the district court and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However the magistrate may have the jurisdiction to arraign and set bond with regards to violations of MCL 257.625 and 257.625m or a local ordinance substantially corresponding to a provision of MCL 257.625 and MCL 257.625.
- c. To arraign and sentence upon pleas of guilty or nolo contendere for violations of the following acts or a local ordinance substantially corresponding to a provision of the following acts except for violations of MCL 324.81134, 324.81135, 324.82128 and 324.82129 or a local ordinance substantially corresponding to MCL 324.81134, 324.81135, 324.82128 and 324.82129 when authorized by the chief judge of the district court and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However the magistrate may have the jurisdiction to arraign and set bond with regards to violations of MCL 324.81134, 324.81135, 324.82128 and 324.82129.
- 1) SNOWMOBILE SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act no. 451 of the Public Acts of 1994, being sections 324.82160 to 324.82160 of the Michigan Compiled Laws.
- 2) OFF-ROAD RECREATION VEHICLES SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act no. 451 of the Public Acts of 1994, being sections 324.81150 of the Michigan Compiled Laws (OFF ROAD RECREATIONAL VEHICLES).
- d. Issue misdemeanor and felony warrants for the arrest of a person upon the written authorization of the prosecuting or municipal attorney and set pre-arraignment bond, except written authorization shall not be required for a vehicle law or ordinance violation within the jurisdiction of the magistrate if a police officer issued a traffic citation pursuant to section 728 of the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, as amended, being section 257.728 of the Michigan Compiled Laws, and the defendant failed to appear.
- e. Fix bail and accept bond in all criminal cases.

- f. Hear and preside over civil infraction admissions and admissions with explanation and conduct informal hearings in civil infraction actions, including imposition of civil sanction. Informal hearings involving a traffic or parking violation shall not be conducted until the magistrate has completed special training course in Traffic Law adjudication and sanctions.
- g. Hear and preside over municipal civil infraction admissions and admissions with explanation and conduct informal hearings in municipal civil infraction actions, including imposition of civil sanction, under the authority of MCL 600.8374 and MCL 600.8727.
- h. Hear and preside over state civil infraction admissions and admissions with explanation and conduct informal hearings in state civil infraction actions, including imposition of all sanctions allowed by statute, under the authority of MCL 600.8819 and other applicable sections of this Act.
- i. 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, except that she/he may not accept a plea of guilty or nolo contendere not expressly authorized pursuant to MCL 600.8511 or MCL 600.8512a.
- j. Approve and grant petitions for the appointment of an attorney to represent an indigent defendant accused of any misdemeanor offense punishable by imprisonment for not more than one year or ordinance violation punishable by imprisonment.
- k. Suspend payment of Court fees by an indigent party of any civil, small claims, or summary proceedings action, until after judgment has been entered.
- l. Upon written authorization of the prosecuting or city attorney, sign a nolle prosequi, dismissing any criminal or ordinance violation case over which the District has jurisdiction and release any bail bond or bail bond deposit to the persons entitled thereto. 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.
- m. Issue search warrants under general authorization.
- n. Execute and issue process to carry into effect authority expressly granted by law to District Court Magistrates.

- o. Perform marriages and charge a fee of \$ 10.00, which shall be deposited in the treasury at the end of each month (MCL 600.8316).
- p. Hear cases in the Small Claims Division of the District Court (MCL 600.8401, MCL 600.8427, MCL 600.8514, MCR 4.301).

Effective Date: September 1, 2005

Date: \_\_\_\_\_

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Honorable Charles Falahee, Jr.  
Chief Judge