

**MADCPO Board Meeting
January 24, 2020
SCAO Update**

Directives, Resources, and Information

E-filing:

- [MiFILE Brief 9](#): Highlights of amendment to Administrative Order 1999-4 and summary of current records access policy.
- [Administrative Memo 2019-06](#): MiFILE E-Filing Plans and Communication.
- [MiFile Brief 6: Criteria for mandating e-Filing](#) pursuant to Administrative Order 2019-2 and information on the process for a filer to request an exemption from e-Filing. This includes a new model LAO for e-Filing Access Plan, a model MOU, a calculator, and a grievance form.
- Courts can aid their transition to MiFILE by reviewing the information in [Preparing for MiFILE in Your Court](#).

General:

- [Memo](#) summarizing recent amendments to court rules that will have the most impact on court in a paper or electronic system.
- The State Court Administrative Office is accepting suggestions for revisions to SCAO-approved forms and suggestions for new forms for the Criminal Meeting (3/5/20) and the Civil Meeting (3/12/20).
- The [District Court Probation Officer's Manual](#) has been updated.
- [Memo explaining changes to Section 7-06 of the Manual for District Court Probation Officers](#)
- The [2019 Judicial Resources Recommendations](#) (JRR) report is now available and will be sent to the Governor and Legislature tomorrow. The SCAO recommends that the Legislature eliminate three district judgeships, create a probate court district and eliminate one probate judgeship, add nine new judgeships, merge courts, and reverse two pending reductions. In four jurisdictions, SCAO provides alternative recommendations for the Legislature to consider.

Court Rules and Administrative Orders

Proposed

None

Adopted:

MCR Cite: 1.109, 2.107, 2.113, 2.116, 2.119, 2.222, 2.223, 2.225, 2.227, 3.206, 3.211, 3.212, 3.214, 3.303, 3.903, 3.921, 3.925, 3.926, 3.931, 3.933, 3.942, 3.950, 3.961, 3.971, 3.972, 4.002, 4.101, 4.201, 4.202, 4.302, 5.128, 5.302, 5.731,

ADM File No: 6.101, 6.615, 8.105, and 8.119, and Rescission of Rules 2.226 and 8.125
[2002-37](#)
Effective Date: January 1, 2020
Staff Comment: The amendments of MCR 1.109, 2.107, 2.113, 2.116, 2.119, 2.222, 2.223, 2.225, 2.227, 3.206, 3.211, 3.212, 3.214, 3.303, 3.903, 3.921, 3.925, 3.926, 3.931, 3.933, 3.942, 3.950, 3.961, 3.971, 3.972, 4.002, 4.101, 4.201, 4.202, 4.302, 5.128, 5.302, 5.731, 6.101, 6.615, 8.105, and 8.119 and rescission of MCR 2.226 and 8.125 continue the process for design and implementation of the statewide electronic-filing system.

MCR Cite: 1.109, 8.119, Rescission of AO 2006-2, and [Amendment to AO 1999-4](#)
ADM File No: [2017-28](#)
Effective Date: January 1, 2021
Staff Comment: The amendments make certain personal identifying information nonpublic and clarify the process regarding redaction.

Adopted AO: Adoption of Chief Judges in Michigan Courts
ADM File No: [2019-24](#)
Effective Date: January 1, 2020
Staff Comment: Lists the judges appointed as chief judges of the courts for a two-year period.

Amended AO: Mandatory e-Filing for attorneys
ADM File No: [2014-23](#)
Effective Date: February 1, 2020
Staff Comment: Updates the language and requires all attorneys to e-File in the Michigan Supreme Court and Court of Appeals.

MCR Cite: 8.115
ADM File No: [2018-30](#)
Comment Expires: May 1, 2020
Staff Comment: The amendment of MCR 8.115, submitted by the Michigan State Planning Body, explicitly allows the use of cellular phones (as well as prohibits certain uses) in a courthouse. The rule makes cell phone and electronic device use policies consistent from one court to another, and broadens the ability of litigants to use their devices in support of their court cases when possible.

Legislation

Statute Cite: **MCL 28.273**
P.A. Number: [2019 PA 78](#)
Effective Date: September 30, 2019
What it Does: Amends the sunset on fees collected by the Department of State Police (MSP) for collecting fingerprints and processing fingerprint – and name-based criminal record checks from October 1, 2019 to October 1, 2023. The fees would remain the same. [\$30 for fingerprint and \$10 for name-based

criminal record checks.]

Statute Cite: **MCL 28.725**
P.A. Number: [2019 PA 82](#)
Effective Date: September 30, 2019
What it Does: Amends the Sex Offenders Registration Act (Public Act 295 of 1994) to extend from January 1, 2019, to January 1, 2023, the applicability of the \$50 fee assessed on an individual for annual registration to the sex offender registry. Currently, individuals initially required to register after January 1, 2019, are not required to pay the annual registration fee.

Statute Cite: **MCL 712A.11, 762.11, 722.822, 790.983, 750.139, 400.117i, 764.1f**
P.A. Number: [2019 PA 98 - 107](#), also known as the “Raise the Age” package
Effective Date: October 1, 2021
What it Does: Amends the Juvenile Code, Code of Criminal Procedure, and Juvenile Diversion Act to specify that the definition of a “minor” refers to an individual less than 18, instead of 17. Accordingly, several other amendments went into effect involving assignment to youthful trainee status; the definition of “adult” under the Michigan Indigent Defense Commission Act; prohibiting the transportation of a child under 18, rather than 16, years of age from being placed or transported with an adult who has been convicted of a crime; modifying the age for which a prosecuting attorney could authorize the filing of a complaint and warrant on a specified juvenile violation; and requiring SCAO to create the “Raise the Age Fund” to disburse money for costs to adjudicate and for services provided for juveniles who were 17 years old at the time of the offense.

Case Law

[RPF Oil Co v Genesee Co](#), ___ Mich App ___ (2019). Genesee County passed an ordinance that prohibited the sale of any tobacco product or paraphernalia to persons under 21 years of age. Plaintiff owned and operated convenience stores in Genesee County. On May 12, 2017, plaintiff filed a declaratory-judgment action seeking the trial court’s determination that the Age of Majority Act MCL 722.51 et seq. and the Youth Tobacco Act, MCL 722.641 et seq. preempted the county’s Tobacco 21 Regulation because it conflicted with the state statutes. The trial court entered a final stipulated order under which the County agreed not to enforce the Tobacco 21 Regulation unless the trial court’s summary-disposition order was overturned on appeal. The Court of Appeals affirmed the trial court’s ruling. It reasoned that local governments may regulate matters of local concern only in a manner and to the degree that their regulations do not conflict with state law. *City of Taylor v Detroit Edison Co*, 475 Mich 109; 117-118 (2006). Our Supreme Court has explained that an ordinance may add additional prohibitions to the prohibitions set forth in a statute. *Miller v Fabius Twp Bd*, 366 Mich 250, 256; 114 NW2d 205 (1962). However, a local government may “not attempt to authorize by the ordinance what the legislature has forbidden or forbid what the legislature has expressly licensed, authorized, or required . . .” *Id.* at 256. In MCL 722.53, the Legislature clarified further that the Age of Majority Act “supersedes all provisions of law

prescribing duties, liabilities, responsibilities, rights and legal capacity of persons 18 years of age through 20 years of age different from persons 21 years of age[.]” The county’s Tobacco 21 Regulation prohibits the sale of tobacco to all persons under the age of 21. In doing so, the Tobacco 21 Regulation plainly prohibits what Michigan law permits by diminishing the rights and privileges granted by state law to persons who have reached the age of majority.