



THE DOCKET

The Newsletter of the Michigan Association of District Court Magistrates

Summer, 2014

PENDING LEGISLATION

Magistrate Authority May be Expanded

By James Pahl, Editor

HB 5154 and HB 5155 have passed the House and are currently in the Senate. These bills – if passed – would mandate pre-trial conferences. As the bills are currently configured, pretrial would be scheduled within seven to 14 days after arraignment, with the exam between five and seven days after that.

Witnesses would be allowed to testify, documents could be introduced into evidence, including lab reports and the legislation would give to district court magistrates the ability to conduct these conferences and all matters allowed at such conferences, except taking of pleas and sentencing.

Currently, district court magistrates only have the authority to conduct the first hearing, usually an arraignment. There is no authority to allow the magistrate to thereafter waive the 14 day rule, waive the exam or even do a bond review.

While this legislation does not directly say so, it would appear that if passed as currently written, district court magistrates would be able to do all of this, plus more. Your legislative committee is keeping a close watch on this.

Other Pending Legislation

By James Pahl, Editor

MADCM board members had previously met with Senator Rick Jones, chair of the Senate Judiciary Committee and proposed several items of clean up legislation – allowing magistrates to electronically issue arrest warrants, to be able to process search warrants if not physically located within the district in which they serve, ect. Bills have passed in the Senate (37-0 vote) and sent to the House. They would allow magistrates to sign electronic arrest warrants, issue search warrants electronically so long as the magistrate is located within the state of Michigan and set aside default judgments. An additional item was recently added, to remove the residency requirement for a district court magistrate. We will keep pursuing these issues. (SB 845, SB 931 & SB 932)

International Driver's Licenses and Reciprocity Update

By James Pahl, Editor, based upon materials supplied by Lee Ann Gaspar and David Handsor

Courts will see more and more international drivers who are operating their vehicles in Michigan based upon the apparent authority of the driver's license issued by their country of residence. In many cases, this is legal and proper, but how do you tell?

The Michigan Secretary of State maintains a list of those countries who have signed either the 1943 Convention on the Regulation of Inter-American Automotive Traffic or the 1949 Convention on Road Traffic. If the driver has a valid license from one of these countries, they can legally operate a vehicle in Michigan. There is no requirement the motorist have an International Drivers Permit. This permit is merely a translation document, to help those in other countries interpret the motorist's license. If the motorist's country is not on this list, they may not legally drive in Michigan. You can obtain this list at:

http://www.michigan.gov/documents/Reciprocity_Agreements_and_Underlying_Authority_170819_7.pdf

The web site maintained by the American Association of Motor Vehicle Administrator's has some excellent information about international drivers and the various documents they may have. This can be found at:

<http://www.aamva.org/LE-Foreign-Nationals-Resource-Guide/>

Several motorists who are actually U.S. citizens have attempted to display an "International Driver's License" rather than a Michigan issued operators license. This is usually associated with some type of sovereign individual claim or some type of militia movement member. These are not valid, but a novelty item that is freely available on the internet.

Misleading Traffic School

By James Pahl, Editor

Have you heard of GoToTrafficSchool.com? This company seems to claim that if you take their course and present the completion certificate to the court where your ticket is filed, the court will dismiss the ticket. My own county court is listed on this site, despite my requests to remove it. I would be willing to bet your court is listed also.

This course is not affiliated in any way with the Secretary of State Basic Driver Improvement programs. While the site states the court will dismiss, they do have small print instructions to call the court first to see if they participate in the program.

A list of the Basic Driver Improvement schools approved by the Secretary of State can be found at:

<http://services.sos.state.mi.us/courseprovider/vendorlist.aspx>

This is your Newsletter

By James Pahl, Editor

This is your newsletter – I can only publish what each of you provides. PLEASE send me your interesting stories or other items that may be of interest to your fellow magistrates! I have had

promises of articles, but nothing has been received. HELP!

Reserve These Dates!

MJI Magistrate Specialty Seminar – July 30

MADCM Annual Training Conference, this year at the West Bay Beach, a Holiday Inn Resort in Traverse City, September 10, 11 & 12. The educational component promises to be excellent and the sharing and fellowship enjoyed by fellow magistrates is always well worth the trip.