

District Court Jurisdiction Over Pretrial Proceedings¹

This table contains information concerning the types of preliminary criminal proceedings over which district court judges and magistrates have jurisdiction.

Type of Proceeding	District Court Judge Jurisdiction and Requirements	District Court Magistrate Jurisdiction and Requirements	Authorities
Issuance of Search Warrants	All	As authorized by the chief judge of the district or division	MCL 780.651 MCL 600.8511(g) MCR 4.401(B) MCR 6.008(A)
Issuance of Summons	All	As authorized by the chief judge of the district or division Mandatory unless the case involves an assaultive crime or offense involving domestic violence, there is reason to believe the defendant will not appear or poses a risk to public safety, or the prosecutor has requested a warrant	MCL 764.1 MCL 764.1a MCL 600.8511(e) MCR 4.401(B) MCR 6.008(A)

¹ For more detailed information on this topic, see the Michigan Judicial Institute's *Criminal Proceedings Benchbook, Vol. 1*.

Type of Proceeding	District Court Judge Jurisdiction and Requirements	District Court Magistrate Jurisdiction and Requirements	Authorities
Issuance of Arrest Warrants	All	<p>As authorized by the chief judge of the district or division</p> <p>Permitted only if the case involves an assaultive crime or offense of domestic violence, there is reason to believe the defendant will not appear or poses a risk to public safety, or the prosecutor has requested a warrant</p>	<p>MCL 764.1</p> <p>MCL 764.1a</p> <p>MCL 600.8511(e)</p> <p>MCR 4.401(B)</p> <p>MCR 6.008(A)</p>
First Appearance	All	<p>“When authorized by the chief judge of the district and whenever a district judge is not immediately available, a district court magistrate may 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. However, this section does not authorize a district court magistrate to accept a plea of guilty or nolo contendere not expressly authorized under [MCL 600.8511 or MCL 600.8512a]. A defendant neither demanding nor waiving preliminary examination in writing is deemed to have demanded preliminary examination and a defendant neither demanding nor waiving jury trial in writing is considered to have demanded a jury trial.”</p>	<p>MCL 600.8513(1)</p> <p>MCR 4.401(B)</p> <p>MCR 6.008(A)</p>

Type of Proceeding	District Court Judge Jurisdiction and Requirements	District Court Magistrate Jurisdiction and Requirements	Authorities
District Court Arraignment	All	<ul style="list-style-type: none"> • If authorized by chief judge, offenses listed in MCL 600.8511(a), if maximum punishment does not exceed 90 days in jail • If authorized by chief judge, offenses listed in MCL 600.8511(b) (certain Motor Vehicle Code violations or corresponding ordinance violations) and MCL 600.8511(c) (certain NREPA violations), if maximum punishment does not exceed 93 days in jail • If authorized by chief judge, violations of MCL 257.625 and MCL 257.625m (or corresponding ordinance) (may not sentence for these offenses) • If authorized by chief judge, certain additional NREPA violations (may not sentence for these offenses) • If authorized by chief judge, contempt or probation violation arising directly out of case for which a judge or magistrate conducted arraignment under MCL 600.8511(a), (b), or (c), or the first appearance under MCL 600.8513, involving the same defendant, if offense is punishable by imprisonment for not more than 1 year or a fine, or both (may not conduct violation hearing or sentencing) 	<p style="text-align: center;">MCL 600.8311(c)</p> <p style="text-align: center;">MCL 600.8511(a)-(c)</p> <p style="text-align: center;">MCL 600.8511(d)</p> <p style="text-align: center;">MCR 4.401(B)</p> <p style="text-align: center;">MCR 6.008(A)</p>

Type of Proceeding	District Court Judge Jurisdiction and Requirements	District Court Magistrate Jurisdiction and Requirements	Authorities
Setting of Bail and Acceptance of Bond	All	As authorized by the chief judge of the district or division	<p>MCL 600.8311(c)</p> <p>MCL 600.8511(f)</p> <p>MCR 4.401(B)</p> <p>MCR 6.008(A)</p>
Probable Cause Conferences (Felonies and Misdemeanors Not Cognizable by District Court)	All matters allowed at all probable cause conferences	If authorized by chief judge, may conduct all matters allowed at probable cause conference, except taking of pleas and sentencing	<p>MCL 600.8311(d)</p> <p>MCL 600.8511(h)</p> <p>MCL 766.4</p> <p>MCR 6.008(A)</p>
Acceptance of Misdemeanor Plea	<p>All misdemeanors cognizable by district court and all ordinance and charter violations</p> <p>MUST take a plea to a misdemeanor as provided by court rule if a plea agreement is reached between the parties</p> <p>NOTE: Following bindover, “[t]he circuit court retains jurisdiction over any case in which a plea is entered or a verdict rendered to a charge that would normally be cognizable in the district court.” MCR 6.008(C).</p>	<ul style="list-style-type: none"> • To the extent expressly authorized by the chief judge, presiding judge, or only judge of the district court district, misdemeanor or ordinance violations punishable by a fine and not punishable by imprisonment • If authorized by chief judge, offenses listed in MCL 600.8511(a), if maximum punishment does not exceed 90 days in jail • If authorized by chief judge, offenses listed in MCL 600.8511(b) (certain Motor Vehicle Code violations or corresponding ordinance violations) and MCL 600.8511(c) (certain NREPA violations), if maximum punishment does not exceed 93 days in jail 	<p>MCL 600.8311(a)-(b)</p> <p>MCL 766.4(3)</p> <p>MCL 600.8512a(b)</p> <p>MCL 600.8511(a)-(c)</p> <p>MCL 766.1</p> <p>MCR 4.401(B)</p> <p>MCR 6.008(A)</p>

Type of Proceeding	District Court Judge Jurisdiction and Requirements	District Court Magistrate Jurisdiction and Requirements	Authorities
Acceptance of Felony Plea	<p>Authority to accept felony plea, but may not sentence (sentencing must be conducted by a circuit court judge, who must be assigned and known to the parties before the plea is taken)</p> <p>MUST take a plea to a felony as provided by court rule if a plea agreement is reached between the parties</p>	Not permitted	<p>MCL 766.4(3)</p> <p>MCL 766.1</p> <p>MCL 600.8511(h)</p> <p>MCR 6.008(A)</p>
Preliminary Examinations (Felonies and Misdemeanors Not Cognizable by District Court)	All matters allowed at all preliminary examinations	Not permitted	<p>MCL 600.8311(e)</p> <p>MCL 766.1 <i>et seq.</i></p> <p>MCL 766.4</p> <p>MCL 766.1</p> <p>MCR 6.008(A)</p>
Circuit Court Arraignments (Felony Cases and Misdemeanor Cases Not Cognizable by District Court)	May conduct as provided by court rule, but may not sentence (sentencing must be conducted by circuit court judge)	Not permitted	<p>MCL 600.8311(f)</p> <p>MCL 766.13</p>

Type of Proceeding	District Court Judge Jurisdiction and Requirements	District Court Magistrate Jurisdiction and Requirements	Authorities
Misdemeanor Sentencing (Misdemeanors Cognizable by District Court)	All misdemeanors cognizable by district court and all ordinance and charter violations	<ul style="list-style-type: none"> • To the extent expressly authorized by the chief judge, presiding judge, or only judge of the district court district, misdemeanor or ordinance violations punishable by a fine and not punishable by imprisonment • If authorized by chief judge, may sentence upon pleas of guilty or nolo contendere for offenses listed in MCL 600.8511(a), if maximum punishment does not exceed 90 days in jail • If authorized by chief judge, may sentence upon pleas of guilty or nolo contendere for offenses listed in MCL 600.8511(b) (certain Motor Vehicle Code violations or corresponding ordinance violations) and MCL 600.8511(c) (certain NREPA violations), if maximum punishment does not exceed 93 days in jail 	<p>MCL 600.8311(a)-(b)</p> <p>MCL 600.8512a(b)</p> <p>MCL 600.8511(a)</p> <p>MCL 600.8511(b)</p> <p>MCL 600.8511(c)</p> <p>MCL 766.1</p> <p>MCR 4.401(B)</p> <p>MCR 6.008(A)</p>

Type of Proceeding	District Court Judge Jurisdiction and Requirements	District Court Magistrate Jurisdiction and Requirements	Authorities
<p>Felony Sentencing (Felonies and Misdemeanors Not Cognizable by District Court)</p>	<p>Not permitted</p>	<p>Not permitted</p>	<p>MCL 600.8311(f) MCR 6.008(A)</p>
<p>Entry of Nolle Prosequi</p>	<p>All</p>	<p>As authorized by the chief judge of the district or division</p> <p>“Upon written authorization of the prosecuting or city attorney, [the district court magistrate may] sign a nolle prosequi dismissing any criminal or ordinance violation case over which the district court has jurisdiction and release any bail bond or bail bond deposit to the persons entitled to the bail bond or deposit. 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.”</p>	<p>MCL 600.8311(a)-(b) MCL 767.29 MCL 600.8513(2)(c) MCR 4.401(B) MCR 6.008(A)</p>

