

## **House Bill 4473, 4474**

**Sponsor: Rep. George Cushingberry, Jr.**

**Committee: Appropriations**

**Complete to 6-13-07**

### **SUMMARY OF HOUSE BILL 4473 AND 4474 INTRODUCED 3-15-07:**

House Bill 4473 would amend the Code of Criminal Procedure (MCL 760.1 - 777.69). The bill would impose a surcharge of 5% of the amount of bail imposed upon a person accused of a criminal offense. This bill would establish an indigent defense counsel fee of up to \$135 that would be included in each order of probation. The amount of this new fee would be determined by the court on a sliding income scale. Both new charges would be deposited into the Indigent Defense Counsel Fund created in House Bill 4474.

House Bill 4474 would amend the Revised Judicature Act of 1961 (MCL 600.101 to 600.9947) by adding a new section establishing the Indigent Defense Counsel Fund. Revenue from bail bond surcharges and indigent defense counsel fees established in House Bill 4473 would be deposited into the fund.

House Bill 4473 and 4474 are tie-barred together.

### **BACKGROUND INFORMATION:**

#### House Bill 4473

This bill would establish a 5% surcharge on the amount of bail a person is required to pay. These surcharges are to be deposited into the Indigent Defense Counsel Fund. Each month the clerks of the court would transmit the surcharges collected for deposit into the fund.

Under this bill, the Court would also include in each order of probation a new fee, the indigent defense counsel fee. The Court would determine the amount of the fee based on the monthly income of the probationer, but the fee may not be more than \$135. The fee is payable when the probation order is entered, but the Court may allow the probationer to pay in monthly installments. The indigent defense counsel fee does not apply to a juvenile placed on probation and committed to county juvenile agency or a youth agency as described in the Youth Rehabilitation Services Act. The following table shall be used to help determine the amount of the fee:

<b>PROJECTED MONTHLY INCOME</b>	<b>AMOUNT OF FEE</b>
\$ 0 – 249.99	\$ 5.00
\$ 250.00 – 499.99	\$ 10.00
\$ 500.00 – 749.99	\$ 25.00
\$ 750.00 – 999.99	\$ 40.00
\$1,000.00 or more	5% of projected monthly income, but not more than \$135.00

Under the table guidelines above, a probationer with an annual salary of \$32,400 or more would likely be assessed the maximum indigent defense counsel fee of \$135.

#### House Bill 4474

House Bill 4474 would create the Indigent Defense Counsel Fund in the Department of Treasury. Revenue from the 5% bail bond surcharges and indigent defense counsel fees established in House Bill 4473 would be deposited into the fund. The bill allows the fund to receive money or assets from other sources as well. At the close of the fiscal year, the fund balance shall not lapse to the general fund. The bill requires the State Court Administrative Office to expend the full amount of money in the fund each year in the following manner: 80% would fund grants to reimburse counties for providing legal counsel to indigent criminal defendants and 20% would help fund the Office of the Appellate Defender. County grants would be based upon the number of criminal cases in each county.

#### **FISCAL IMPACT:**

The analysis of the fiscal impact of House Bill 4473 and 4474 is still in progress.

Fiscal Analyst: Viola Bay Wild

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.