

HOUSE BILL No. 4474

March 15, 2007, Introduced by Rep. Cushingberry and referred to the Committee on Appropriations.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 177. (1) THE INDIGENT DEFENSE COUNSEL FUND IS CREATED**
2 **WITHIN THE STATE TREASURY.**

3 **(2) THE STATE TREASURER SHALL CREDIT TO THE FUND ALL BAIL BOND**
4 **SURCHARGES AND INDIGENT DEFENSE COUNSEL FEES RECEIVED UNDER SECTION**
5 **6(4) OF CHAPTER V AND SECTION 3D OF CHAPTER XI OF THE CODE OF**
6 **CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6 AND 771.3D, AND MAY**
7 **RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE**
8 **FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND.**
9 **THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS**
10 **FROM FUND INVESTMENTS.**

11 **(3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL**

1 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

2 (4) THE STATE COURT ADMINISTRATIVE OFFICE SHALL EXPEND THE
3 FULL AMOUNT OF THE MONEY IN THE FUND EACH YEAR, UPON APPROPRIATION,
4 ONLY FOR THE FOLLOWING PURPOSES:

5 (A) EIGHTY PERCENT OF THE AMOUNT IN THE FUND SHALL BE EXPENDED
6 FOR GRANTS TO COUNTIES TO REIMBURSE COUNTIES FOR THE EXPENSE OF
7 PROVIDING LEGAL COUNSEL TO INDIGENT CRIMINAL DEFENDANTS. THE AMOUNT
8 OF THE GRANTS SHALL BE BASED ON THE NUMBER OF CRIMINAL CASES IN
9 EACH COUNTY.

10 (B) TWENTY PERCENT OF THE AMOUNT IN THE FUND SHALL BE EXPENDED
11 FOR THE OFFICE OF THE APPELLATE DEFENDER, AS PROVIDED IN SECTION 8
12 OF THE APPELLATE DEFENDER ACT, 1978 PA 620, MCL 780.718.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No.____ or House Bill No. 4473 (request no.
15 00899'07) of the 94th Legislature is enacted into law.