

HOUSE BILL No. 4706

March 26, 2009, Introduced by Reps. Cushingberry and Tlaib and referred to the Committee on Judiciary.

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. 4705(request no.
15 01438'09) of the 95th Legislature is enacted into law.