

# Legislative Analysis



## MICHIGAN INDIGENT DEFENSE COMMISSION MEMBERSHIP REVISION

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### Senate Bill 1187 as reported from House committee

**Sponsor: Sen. Marty Knollenberg**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Complete to 12-10-18**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 443 of 2018)*

### SUMMARY:

Senate Bill 1187 would amend the Michigan Indigent Defense Commission Act to revise the membership of the Michigan Indigent Defense Commission (MIDC) pertaining to representation by funding units of a circuit court and district court.

Public Act 93 of 2013 established a 15-member commission to develop and oversee the implementation of minimum standards for the effective representation of indigent adults by local indigent criminal defense systems. Earlier this year, Public Act 214 (House Bill 5985) was enacted to, among other things, expand and revise the membership of the MIDC to include additional local representation and representation of the State Budget Office (SBO). The membership changes enacted by PA 214, which increased membership by three members to a total of 18 voting members, will take effect December 23, 2018.

Senate Bill 1187 would further revise MIDC membership pertaining to local representation. The bill would retain total membership for the MIDC at 18 voting members and one nonvoting member (the Supreme Court Chief Justice or his or her designee).

However, a seat added by PA 214, for a member representing the funding unit of a district court of the third class appointed by the governor from a list of three names submitted by the Michigan Municipal League (MML), would be eliminated. Instead, that member would, in alternating fashion, share the seat on the MIDC currently assigned to a member representing the funding unit of a district court appointed from a list of three names submitted by Michigan Townships Association (MTA). The bill would require the MTA and MML to alternate in submitting a list of three names. The MTA would submit the list for the first appointment after the bill's effective date, and the MML would submit the list for the second appointment.

Further, the bill would increase from one to two the number of members representing the funding unit of a circuit court, to be appointed from a list of six names (rather than three) submitted by the Michigan Association of Counties.

The bill would take effect 90 days after being enacted.

MCL 780.987

## **HOUSE COMMITTEE ACTION:**

The House Committee on the Judiciary reported the Senate-passed version of the bill without amendment.

## **BRIEF DISCUSSION:**

Some feel that, in determining how the seats on the MIDC representing local court funding units are assigned, greater consideration should go to counties over cities or townships, as the counties fund over half of the state's 84 district courts. Since Public Act 214 of 2018 added three seats to the MIDC for representatives of local court funding units, the bill would reassign the seats so that members representing counties would fill two of the seats and representatives of townships and cities would share that third seat, on an alternating basis, with townships having the first appointment to the seat.

## **FISCAL IMPACT:**

Senate Bill 1187 would not have a fiscal impact on any unit of state or local government. The bill would not alter the total number of MIDC members; thus, there would be no fiscal impact, as the commission would still total 18 members. MIDC members are eligible for reimbursement for reasonable actual and necessary expenses.

## **POSITIONS:**

A representative of the Michigan Association of Counties testified in support of the bill. (12-4-18)

Faith in Action indicated a neutral position on the bill. (12-4-18)

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