

SENATE BILL No. 1187

November 8, 2018, Introduced by Senator KNOLLENBERG and referred to the Committee on Judiciary.

A bill to amend 2013 PA 93, entitled
"Michigan indigent defense commission act,"
by amending section 7 (MCL 780.987), as amended by 2018 PA 214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The MIDC includes 18 voting members and the ex
2 officio member described in subsection (2). The 18 voting members
3 shall be appointed by the governor for terms of 4 years, except as
4 provided in subsection (4). Subject to subsection (3), the governor
5 shall appoint members under this subsection as follows:

6 (a) Two members submitted by the speaker of the house of
7 representatives.

8 (b) Two members submitted by the senate majority leader.

9 (c) One member from a list of 3 names submitted by the supreme
10 court chief justice.

1 (d) Three members from a list of 9 names submitted by the
2 Criminal Defense Attorneys of Michigan.

3 (e) One member from a list of 3 names submitted by the
4 Michigan Judges Association.

5 (f) One member from a list of 3 names submitted by the
6 Michigan District Judges Association.

7 (g) One member from a list of 3 names submitted by the State
8 Bar of Michigan.

9 (h) One member from a list of names submitted by bar
10 associations whose primary mission or purpose is to advocate for
11 minority interests. Each bar association described in this
12 subdivision may submit 1 name.

13 (i) One member from a list of 3 names submitted by the
14 Prosecuting Attorneys Association of Michigan who is a former
15 county prosecuting attorney or former assistant county prosecuting
16 attorney.

17 (j) One member selected to represent the general public.

18 (k) ~~One member~~ **TWO MEMBERS** representing the funding unit of a
19 circuit court from a list of ~~3-6~~ names submitted by the Michigan
20 Association of Counties.

21 (l) One member representing the funding unit of a district
22 court from a list of 3 names submitted by the Michigan Township
23 **TOWNSHIPS Association OR THE MICHIGAN MUNICIPAL LEAGUE. THE**
24 **MICHIGAN TOWNSHIPS ASSOCIATION AND THE MICHIGAN MUNICIPAL LEAGUE**
25 **SHALL ALTERNATE IN SUBMITTING A LIST AS DESCRIBED UNDER THIS**
26 **SUBDIVISION. FOR THE FIRST APPOINTMENT AFTER THE EFFECTIVE DATE OF**
27 **THE AMENDATORY ACT THAT AMENDED THIS SUBDIVISION, THE MICHIGAN**

1 MUNICIPAL LEAGUE SHALL SUBMIT A LIST AS DESCRIBED UNDER THIS
2 SUBDIVISION FOR CONSIDERATION FOR THE APPOINTMENT. FOR THE SECOND
3 APPOINTMENT AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
4 AMENDED THIS SUBDIVISION, THE MICHIGAN TOWNSHIPS ASSOCIATION SHALL
5 SUBMIT A LIST AS DESCRIBED UNDER THIS SUBDIVISION FOR CONSIDERATION
6 FOR THE APPOINTMENT.

7 ~~— (m) One member representing the funding unit of a district~~
8 ~~court of the third class from a list of 3 names submitted by the~~
9 ~~Michigan Municipal League.~~

10 (M) ~~(n)~~ One member from a list of 3 names submitted by the
11 state budget office.

12 (2) The supreme court chief justice or his or her designee
13 shall serve as an ex officio member of the MIDC without vote.

14 (3) Individuals nominated for service on the MIDC as provided
15 in subsection (1) must have significant experience in the defense
16 or prosecution of criminal proceedings or have demonstrated a
17 strong commitment to providing effective representation in indigent
18 criminal defense services. Of the members appointed under this
19 section, the governor shall appoint no fewer than 2 individuals who
20 are not licensed attorneys. Any individual who receives
21 compensation from this state or an indigent criminal defense system
22 for providing prosecution of or representation to indigent adults
23 in state courts is ineligible to serve as a member of the MIDC. Not
24 more than 3 judges, whether they are former judges or sitting
25 judges, shall serve on the MIDC at the same time. The governor may
26 reject the names submitted under subsection (1) and request
27 additional names.

1 (4) MIDC members shall hold office until their successors are
2 appointed. The terms of the members must be staggered. Initially, 4
3 members must be appointed for a term of 4 years each, 4 members
4 must be appointed for a term of 3 years each, 4 members must be
5 appointed for a term of 2 years each, and 3 members must be
6 appointed for a term of 1 year each.

7 (5) The governor shall fill a vacancy occurring in the
8 membership of the MIDC in the same manner as the original
9 appointment, except if the vacancy is for an appointment described
10 in subsection (1)(d), the source of the nomination shall submit a
11 list of 3 names for each vacancy. However, if the senate majority
12 leader or the speaker of the house of representatives is the source
13 of the nomination, 1 name must be submitted. If an MIDC member
14 vacates the commission before the end of the member's term, the
15 governor shall fill that vacancy for the unexpired term only.

16 (6) The governor shall appoint 1 of the original MIDC members
17 to serve as chairperson of the MIDC for a term of 1 year. At the
18 expiration of that year, or upon the vacancy in the membership of
19 the member appointed chairperson, the MIDC shall annually elect a
20 chairperson from its membership to serve a 1-year term. An MIDC
21 member shall not serve as chairperson of the MIDC for more than 3
22 consecutive terms.

23 (7) MIDC members shall not receive compensation in that
24 capacity but must be reimbursed for their reasonable actual and
25 necessary expenses by the state treasurer.

26 (8) The governor may remove an MIDC member for incompetence,
27 dereliction of duty, malfeasance, misfeasance, or nonfeasance in

1 office, or for any other good cause.

2 (9) A majority of the MIDC voting members constitute a quorum
3 for the transaction of business at a meeting of the MIDC. A
4 majority of the MIDC voting members are required for official
5 action of the commission.

6 (10) Confidential case information, including, but not limited
7 to, client information and attorney work product, is exempt from
8 disclosure under the freedom of information act, 1976 PA 442, MCL
9 15.231 to 15.246.

10 Enacting section 1. This amendatory act takes effect 90 days
11 after the date it is enacted into law.