

# HOUSE BILL No. 4664

May 30, 2017, Introduced by Reps. Afendoulis and Kosowski and referred to the Committee on Law and Justice.

A bill to amend 2013 PA 93, entitled  
"Michigan indigent defense commission act,"  
by amending section 3 (MCL 780.983), as amended by 2016 PA 439.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. As used in this act:

2       (a) "Adult" means either of the following:

3       (i) An individual ~~17~~**18** years of age or older.

4       (ii) An individual less than ~~17~~**18** years of age at the time of  
5 the commission of a felony if any of the following conditions  
6 apply:

7       (A) During consideration of a petition filed under section 4  
8 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL  
9 712A.4, to waive jurisdiction to try the individual as an adult and  
10 upon granting a waiver of jurisdiction.

1 (B) The prosecuting attorney designates the case under section  
2 2d(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL  
3 712A.2d, as a case in which the juvenile is to be tried in the same  
4 manner as an adult.

5 (C) During consideration of a request by the prosecuting  
6 attorney under section 2d(2) of chapter XIIA of the probate code of  
7 1939, 1939 PA 288, MCL 712A.2d, that the court designate the case  
8 as a case in which the juvenile is to be tried in the same manner  
9 as an adult.

10 (D) The prosecuting attorney authorizes the filing of a  
11 complaint and warrant for a specified juvenile violation under  
12 section 1f of chapter IV of the code of criminal procedure, 1927 PA  
13 175, MCL 764.1f.

14 (b) "Department" means the department of licensing and  
15 regulatory affairs.

16 (c) "Effective assistance of counsel" or "effective  
17 representation" means legal representation that is compliant with  
18 standards established by the appellate courts of this state and the  
19 United States ~~supreme court.~~ **SUPREME COURT.**

20 (d) "Indigent" means meeting 1 or more of the conditions  
21 described in section 11(3).

22 (e) "Indigent criminal defense services" means local legal  
23 defense services provided to a defendant and to which both of the  
24 following conditions apply:

25 (i) The defendant is being prosecuted or sentenced for a crime  
26 for which an individual may be imprisoned upon conviction,  
27 beginning with the defendant's initial appearance in court to

1 answer to the criminal charge.

2 (ii) The defendant is determined to be indigent under section  
3 11(3).

4 (f) Indigent criminal defense services do not include services  
5 authorized to be provided under the appellate defender act, 1978 PA  
6 620, MCL 780.711 to 780.719.

7 (g) "Indigent criminal defense system" or "system" means  
8 either of the following:

9 (i) The local unit of government that funds a trial court.

10 (ii) If a trial court is funded by more than 1 local unit of  
11 government, those local units of government, collectively.

12 (h) "Local share" or "share" means an indigent criminal  
13 defense system's average annual expenditure for indigent criminal  
14 defense services in the 3 fiscal years immediately preceding the  
15 creation of the MIDC under this act, excluding money reimbursed to  
16 the system by individuals determined to be partially indigent.

17 (i) "MIDC" or "commission" means the Michigan indigent defense  
18 commission created under section 5.

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