

HOUSE BILL No. 4728

June 8, 2017, Introduced by Reps. Geiss, Hammoud, LaGrand, Love, Chang, Neeley, Peterson, Gay-Dagnogo, Sabo, Cochran, Rabhi, Wittenberg, Howrylak, Byrd, Sowerby, Moss, Green and Jones and referred to the Committee on Judiciary.

A bill to create the nonprofit legal organization contract act; to create the nonprofit legal organization contract fund; to provide for use of the fund; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "nonprofit legal organization contract act".

3 Sec. 2. As used in this act:

4 (a) "Individual in removal proceedings" means an individual
5 who is in removal proceedings under section 240 of the federal
6 immigration and nationality act, 8 USC 1229a, before a federal
7 immigration judge that is located in this state, an individual who

1 is arrested by Immigration and Customs Enforcement within this
2 state and placed in expedited removal proceedings, an individual
3 who is paroled into the United States at or near a port of entry in
4 this state for purposes of removal proceedings, any individual
5 detained by United States Customs and Border Protection at any port
6 of entry in this state, including, but not limited to, when the
7 port of entry is at an airport, on land, or at sea, or an
8 individual who is a party to an appeal made to the Board of
9 Immigration Appeals, the United States Sixth Circuit Court, or a
10 federal district court in this state arising from those
11 proceedings.

12 (b) "Legal services" means services provided by a licensed
13 attorney to an individual who is being detained for deportation
14 proceedings, beginning with the individual's initial detention
15 through a court's final deportation determination.

16 (c) "Legal training and technical assistance" includes, but is
17 not limited to, webinars, in-person trainings, mentoring, removal
18 defense boot camps, and technical assistance in the form of
19 answering questions via electronic mail, fax, or telephone from
20 organizations described in section 4(1) and their staff and
21 volunteers who assist individuals with removal defense.

22 (d) "Stakeholder" includes, but is not limited to, nonprofit
23 legal services organizations with experience in immigration removal
24 defense and nonprofit organizations with experience in public
25 policy impacting immigrants.

26 (e) "Violent felony" means that term as defined in section 36
27 of the corrections code of 1953, 1953 PA 232, MCL 791.236.

1 Sec. 3. (1) The state court administrative office shall either
2 contract directly with qualified nonprofit legal services
3 organizations, or contract with a nonprofit agency to administer
4 funding to nonprofit legal services organization subcontractors, to
5 provide legal services to individuals in removal proceedings who
6 are not otherwise entitled to legal representation under an
7 existing local, state, or federal program. The state court
8 administrative office may prioritize the award of contracts to
9 provide legal services for detained individuals in removal
10 proceedings. The state court administrative office may prioritize
11 the award of contracts to qualified nonprofit legal services
12 organizations that also receive county or city funding to provide
13 legal services to individuals in removal proceedings.

14 (2) The state court administrative office may consult with
15 stakeholders to determine the prioritization of funding based on
16 specified factors, including, but not limited to, the income of an
17 individual in removal proceedings. The state court administrative
18 office shall prioritize the award of contracts to provide legal
19 services for any of the following:

20 (a) Detained individuals who have a parent, spouse, or child
21 who is a citizen or legal permanent resident of the United States.

22 (b) Veterans of the United States military and their spouses.

23 (c) Individuals who have a claim for political asylum.

24 (d) Individuals who have longstanding ties to the United
25 States or who are eligible for relief under the federal deferred
26 action for childhood arrivals program. The state court
27 administrative office shall, in consultation with stakeholders,

1 define the term "longstanding ties" for the purposes of this
2 subdivision.

3 (3) The state court administrative office may request
4 proposals for agencies to act as the umbrella agency in order to
5 determine whether an umbrella agency model is more efficient than
6 contracting directly with individual organizations.

7 (4) Funds provided under a contract awarded under this section
8 must not be used to provide legal services to an individual who has
9 a final conviction for, or who is currently appealing a conviction
10 for, a violent felony.

11 Sec. 4. (1) A contract awarded under section 3 must be
12 executed either with a nonprofit agency that will administer
13 funding to nonprofit legal services organization subcontractors
14 that meet both of the following requirements, or directly with
15 nonprofit legal services organizations that meet both of the
16 following requirements:

17 (a) Have significant experience in representing individuals in
18 removal proceedings and asylum applications. As used in this
19 subdivision, "significant experience" means at least 1 of the
20 following:

21 (i) A minimum of 5 years of experience as an organization.

22 (ii) Experience as a federal subcontractor for immigration
23 representation.

24 (iii) Experience working with or under the supervision of an
25 organization, including a legal training or a technical assistance
26 organization, that has significant experience in removal defense.

27 (b) Are accredited by the Board of Immigration Appeals under

1 the United States Department of Justice's Executive Office for
2 Immigration Review.

3 (2) The state court administrative office may contract with
4 organizations that provide legal training and technical assistance
5 to other organizations qualified under subsection (1).

6 (3) Legal services organizations that provide legal training
7 and technical assistance must have at least 10 years of experience
8 conducting immigration legal services trainings and technical
9 assistance specifically on removal defense.

10 (4) The state court administrative office may contract with
11 organizations that provide postconviction relief services to
12 immigrants. Organizations with contracts under this subsection may
13 be criminal defense organizations that file postconviction relief
14 motions and petitions in this state.

15 (5) The state court administrative office may contract with
16 organizations that provide case coordination and placement services
17 to ensure that all individuals eligible for representation under a
18 contract entered into under section 3 or this section receive that
19 representation in a timely fashion.

20 Sec. 5. (1) The nonprofit legal organization contract fund is
21 created within the state treasury.

22 (2) The state treasurer may receive money or other assets from
23 any source for deposit into the fund. The state treasurer shall
24 direct the investment of the fund. The state treasurer shall credit
25 to the fund interest and earnings from fund investments.

26 (3) Money in the fund at the close of the fiscal year must
27 remain in the fund and must not lapse to the general fund.

1 (4) The state court administrative office shall be the
2 administrator of the fund for auditing purposes.

3 (5) The state court administrative office shall expend money
4 from the fund, upon appropriation, only for 1 or more of the
5 following purposes:

6 (a) To carry out its duties under this act.

7 (b) To award contracts as provided in section 3 and 4.

8 Enacting section 1. This act takes effect 90 days after the
9 date it is enacted into law.