

**SUBSTITUTE FOR
HOUSE BILL NO. 4137**

A bill to amend 2013 PA 93, entitled
"Michigan indigent defense commission act,"
by amending section 3 (MCL 780.983), as amended by 2018 PA 214.

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 XIIA of the probate code of 1939, 1939 PA 288, MCL



1 712A.4, to waive jurisdiction to try the individual as an adult and
2 upon granting a waiver of jurisdiction.

3 (B) The prosecuting attorney designates the case under section
4 2d(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
5 712A.2d, as a case in which the juvenile is to be tried in the same
6 manner as an adult.

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

12 (D) The prosecuting attorney authorizes the filing of a
13 complaint and warrant for a specified juvenile violation under
14 section 1f of chapter IV of the code of criminal procedure, 1927 PA
15 175, MCL 764.1f.

16 (b) "Consumer Price Index" means the annual United States
17 Consumer Price Index for all urban consumers as defined and
18 reported by the United States Department of Labor, Bureau of Labor
19 Statistics.

20 (c) "Department" means the department of licensing and
21 regulatory affairs.

22 (d) "Effective assistance of counsel" or "effective
23 representation" means legal representation that is compliant with
24 standards established by the appellate courts of this state and the
25 United States Supreme Court.

26 (e) "Indigent" means meeting 1 or more of the conditions
27 described in section 11(3).

28 (f) "Indigent criminal defense services" means local legal
29 defense services provided to a defendant and to which both of the



1 following conditions apply:

2 (i) The defendant is being prosecuted or sentenced for a crime
3 for which an individual may be imprisoned upon conviction,
4 beginning with the defendant's initial appearance in court to
5 answer to the criminal charge.

6 (ii) The defendant is determined to be indigent under section
7 11(3).

8 (g) Indigent criminal defense services do not include services
9 authorized to be provided under the appellate defender act, 1978 PA
10 620, MCL 780.711 to 780.719.

11 (h) "Indigent criminal defense system" or "system" means
12 either of the following:

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

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

16 (i) "Local share" or "share" means an indigent criminal
17 defense system's average annual expenditure for indigent criminal
18 defense services in the 3 fiscal years immediately preceding the
19 creation of the MIDC under this act, excluding money reimbursed to
20 the system by individuals determined to be partially indigent.
21 Beginning on November 1, 2018, if the Consumer Price Index has
22 increased since November 1 of the prior state fiscal year, the
23 local share must be adjusted by that number or by 3%, whichever is
24 less.

25 (j) "MIDC" or "commission" means the Michigan indigent defense
26 commission created under section 5.

27 (k) "Partially indigent" means a criminal defendant who is
28 unable to afford the complete cost of legal representation, but is
29 able to contribute a monetary amount toward his or her



1 representation.

2 Enacting section 1. This amendatory act takes effect October
3 1, 2021.

