

# SENATE BILL NO. 84

February 05, 2019, Introduced by Senator VANDERWALL and referred to the Committee on Judiciary and Public Safety.

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

1 apply:

2 (A) During consideration of a petition filed under section 4  
3 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL  
4 712A.4, to waive jurisdiction to try the individual as an adult and  
5 upon granting a waiver of jurisdiction.

6 (B) The prosecuting attorney designates the case under section  
7 2d(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL  
8 712A.2d, as a case in which the juvenile is to be tried in the same  
9 manner as an adult.

10 (C) During consideration of a request by the prosecuting  
11 attorney under section 2d(2) of chapter XIIA of the probate code of  
12 1939, 1939 PA 288, MCL 712A.2d, that the court designate the case  
13 as a case in which the juvenile is to be tried in the same manner  
14 as an adult.

15 (D) The prosecuting attorney authorizes the filing of a  
16 complaint and warrant for a specified juvenile violation under  
17 section 1f of chapter IV of the code of criminal procedure, 1927 PA  
18 175, MCL 764.1f.

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

23 (c) "Department" means the department of licensing and  
24 regulatory affairs.

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

29 (e) "Indigent" means meeting 1 or more of the conditions

1 described in section 11(3).

2 (f) "Indigent criminal defense services" means local legal  
3 defense services provided to a defendant and to which both of the  
4 following conditions apply:

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

9 (ii) The defendant is determined to be indigent under section  
10 11(3).

11 (g) Indigent criminal defense services do not include services  
12 authorized to be provided under the appellate defender act, 1978 PA  
13 620, MCL 780.711 to 780.719.

14 (h) "Indigent criminal defense system" or "system" means  
15 either of the following:

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

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

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

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

1           (k) "Partially indigent" means a criminal defendant who is  
2     unable to afford the complete cost of legal representation, but is  
3     able to contribute a monetary amount toward his or her  
4     representation.

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