

# HOUSE BILL No. 4953

October 7, 2015, Introduced by Reps. Afendoulis, Santana, Kesto, Garrett, Kosowski, Lucido, Love, Chang, Webber, Byrd, Robinson, Geiss, Gay-Dagnogo, Greig, Yanez, Darany, Forlini, Howrylak, LaVoy, Durhal, Rutledge, Irwin, Neeley, Hovey-Wright, Plawecki, Moss, Callton and Zemke and referred to the Committee on Criminal Justice.

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

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

18 (c) "Indigent" means meeting 1 or more of the conditions  
19 described in section 11(3).

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

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

27 (ii) The defendant is determined to be indigent under section

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1 11(3).

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

5 (f) "Indigent criminal defense system" or "system" means  
6 either of the following:

7 (i) The local unit of government that funds a trial court  
8 combined with each and every trial court funded by the local unit  
9 of government.

10 (ii) If a trial court is funded by more than 1 local unit of  
11 government, those local units of government, collectively, combined  
12 with each and every trial court funded by those local units of  
13 government.

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

19 (h) "MIDC" or "commission" means the Michigan indigent defense  
20 commission created under section 5.

21 Enacting section 1. This amendatory act takes effect [October 1,  
22 2018. ]

23 Enacting section 2. This amendatory act does not take effect  
24 unless all of the following bills of the 98th Legislature are  
25 enacted into law:

26 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4947 (request no.  
27 02527'15).

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1 (b) Senate Bill No.\_\_\_\_ or House Bill No. 4948 (request no.  
2 02551'15).

3 (c) Senate Bill No.\_\_\_\_ or House Bill No. 4950 (request no.  
4 02679'15).

5 (d) Senate Bill No.\_\_\_\_ or House Bill No. 4949 (request no.  
6 02680'15).

7 (e) Senate Bill No.\_\_\_\_ or House Bill No. 4951 (request no.  
8 02682'15).

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11 (f)] Senate Bill No.\_\_\_\_ or House Bill No. 4954 (request no.  
12 03363'15).

13 [(g)] Senate Bill No.\_\_\_\_ or House Bill No. 4952 (request no.  
14 03366'15).