

HOUSE BILL No. 5321

February 9, 2016, Introduced by Reps. Irwin, Robinson, Plawecki and Pagan 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 years of age or older.

4 (ii) An individual less than 17 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~~ **UNTIL THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
2 **REPEALED SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA**
3 **236, MCL 600.606, THE** prosecuting attorney designates the case
4 under section 2d(1) of chapter XIIIA of the probate code of 1939,
5 1939 PA 288, MCL 712A.2d, as a case in which the juvenile is to be
6 tried in the same manner as an adult.

7 (C) During consideration of a request by the prosecuting
8 attorney under section 2d(2) of chapter XIIIA 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~~ **UNTIL THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
13 **REPEALED SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA**
14 **236, MCL 600.606, THE** prosecuting attorney authorizes the filing of
15 a complaint and warrant for a specified juvenile violation under
16 section 1f of chapter IV of the code of criminal procedure, 1927 PA
17 175, MCL 764.1f.

18 (b) "Effective assistance of counsel" or "effective
19 representation" means legal representation that is compliant with
20 standards established by the appellate courts of this state and the
21 United States supreme court.

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

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

27 (i) The defendant is being prosecuted or sentenced for a crime

1 for which an individual may be imprisoned upon conviction,
2 beginning with the defendant's initial appearance in court to
3 answer to the criminal charge.

4 (ii) The defendant is determined to be indigent under section
5 11(3).

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

9 (f) "Indigent criminal defense system" or "system" means
10 either of the following:

11 (i) The local unit of government that funds a trial court
12 combined with each and every trial court funded by the local unit
13 of government.

14 (ii) If a trial court is funded by more than 1 local unit of
15 government, those local units of government, collectively, combined
16 with each and every trial court funded by those local units of
17 government.

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

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

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

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. ____ or House Bill No. 5317 (request no.
2 02924'15) of the 98th Legislature is enacted into law.