

HOUSE BILL No. 5844

September 8, 2016, Introduced by Rep. Kesto and referred to the Committee on Criminal Justice.

A bill to amend 2013 PA 93, entitled
"Michigan indigent defense commission act,"
by amending section 13 (MCL 780.993).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) All indigent criminal defense systems and, at the
2 direction of the supreme court, attorneys engaged in providing
3 indigent criminal defense services shall cooperate and participate
4 with the MIDC in the investigation, audit, and review of their
5 indigent criminal defense services.

6 (2) An indigent criminal defense system may submit to the MIDC
7 an estimate of the cost of developing the plan and cost analysis
8 for implementing the plan under subsection (3) to the MIDC for
9 approval. Upon approval, the MIDC shall award the indigent criminal

1 defense system a grant to pay the approved costs for developing the
2 plan and cost analysis under subsection (3).

3 (3) No later than 180 days after a standard is approved by the
4 ~~supreme court,~~ **DEPARTMENT**, each indigent criminal defense system
5 shall submit a plan to the MIDC for the provision of indigent
6 criminal defense services in a manner as determined by the MIDC and
7 shall submit an annual plan for the following state fiscal year on
8 or before February 1 of each year. A plan submitted under this
9 subsection shall specifically address how the minimum standards
10 established by the MIDC under this act shall be met and shall
11 include a cost analysis. The standards to be addressed in the
12 annual plan are those ~~that the supreme court~~ approved not less than
13 60 days before the annual plan submission date. This cost analysis
14 shall include a statement of the funds in excess of the local
15 share, if any, necessary to allow its system to comply with the
16 MIDC's minimum standards.

17 (4) The MIDC shall approve or disapprove a plan or cost
18 analysis, or both a plan and cost analysis, submitted under
19 subsection (3), and shall do so within 60 calendar days of the
20 submission of the plan and cost analysis. If the MIDC disapproves
21 the plan, the cost analysis, or both the plan and the cost
22 analysis, the indigent criminal defense system shall consult with
23 the MIDC and submit a new plan, a new cost analysis, or both within
24 30 calendar days of the mailing date of the official notification
25 of the MIDC's disapproval. If after 3 submissions a compromise is
26 not reached, the dispute shall be resolved as provided in section
27 15.

1 (5) The MIDC shall submit a report to the governor, the senate
2 majority leader, the speaker of the house of representatives, and
3 the appropriations committees of the senate and house of
4 representatives requesting the appropriation of funds necessary to
5 implement the plan for each system approved by the MIDC. The
6 information used to create this report shall be made available to
7 the governor, the senate majority leader, the speaker of the house
8 of representatives, and the appropriations committees of the senate
9 and house of representatives.

10 (6) Except as provided in subsection (8), an indigent criminal
11 defense system shall maintain not less than its local share. If the
12 MIDC determines that funding in excess of the indigent criminal
13 defense system's share is necessary in order to bring its system
14 into compliance with the minimum standards established by the MIDC,
15 that excess funding shall be paid by this state. The legislature
16 shall appropriate to the MIDC the additional funds necessary for a
17 system to meet and maintain those minimum standards, which funds
18 shall be provided to indigent criminal defense systems through
19 grants as described in subsection (7).

20 (7) An indigent criminal defense system shall not be required
21 to provide funds in excess of its local share. The MIDC shall
22 provide grants to indigent criminal defense systems to assist in
23 bringing the systems into compliance with minimum standards
24 established by the MIDC.

25 (8) An indigent criminal defense system is not required to
26 expend its local share if the minimum standards established by the
27 MIDC may be met for less than that share, but the local share of a

1 system that expends less than its local share under these
2 circumstances is not reduced by the lower expenditure.

3 (9) This state shall appropriate funds to the MIDC for grants
4 to the local units of government for the reasonable costs
5 associated with data required to be collected under this act that
6 is over and above the local unit of government's data costs for
7 other purposes.

8 (10) Within 180 days after receiving funds from the MIDC under
9 subsection (7), an indigent criminal defense system shall comply
10 with the terms of the grant in bringing its system into compliance
11 with the minimum standards established by the MIDC for effective
12 assistance of counsel.

13 (11) If an indigent criminal defense system is awarded no
14 funds for implementation of its plan under this act, the MIDC shall
15 nevertheless issue to the system a zero grant reflecting that it
16 will receive no grant funds.

17 (12) The MIDC may apply for and obtain grants from any source
18 to carry out the purposes of this act. All funds received by MIDC,
19 from any source, are state funds and shall be appropriated as
20 provided by law.

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

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. ____ (request no.
27 06080'16).

1 (b) Senate Bill No. _____ or House Bill No. _____ (request no.
2 06474'16).

3 (c) Senate Bill No. _____ or House Bill No. _____ (request no.
4 06476'16).

5 (d) Senate Bill No. _____ or House Bill No. _____ (request no.
6 06477'16).