

HOUSE BILL No. 5539

October 22, 2009, Introduced by Rep. Cushingberry and referred to the Committee on Appropriations.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 177. (1) THE INDIGENT DEFENSE COUNSEL FUND IS CREATED
2 WITHIN THE STATE TREASURY.

3 (2) THE STATE TREASURER SHALL CREDIT TO THE FUND ALL FEES
4 RECEIVED UNDER SECTION 10 OF CHAPTER V OF THE CODE OF CRIMINAL
5 PROCEDURE, 1927 PA 175, MCL 765.10, AND MAY RECEIVE MONEY OR OTHER
6 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE
7 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE

1 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
2 INVESTMENTS.

3 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
4 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

5 (4) THE STATE COURT ADMINISTRATIVE OFFICE SHALL EXPEND THE
6 FULL AMOUNT OF THE MONEY IN THE FUND EACH YEAR, UPON APPROPRIATION,
7 ONLY FOR THE FOLLOWING PURPOSES:

8 (A) EIGHTY PERCENT OF THE AMOUNT IN THE FUND SHALL BE USED TO
9 REIMBURSE COUNTIES FOR THE ACTUAL AMOUNT OF FEES PAID BY COUNTIES
10 TO ATTORNEYS FOR PROVIDING LEGAL COUNSEL TO INDIGENT CRIMINAL
11 DEFENDANTS. THE AMOUNT OF REIMBURSEMENT TO EACH COUNTY SHALL BE
12 BASED ON THE NUMBER OF CRIMINAL CASES IN EACH COUNTY.

13 (B) TWENTY PERCENT OF THE AMOUNT IN THE FUND SHALL BE EXPENDED
14 FOR THE OFFICE OF THE APPELLATE DEFENDER, AS PROVIDED IN SECTION 8
15 OF THE APPELLATE DEFENDER ACT, 1978 PA 620, MCL 780.718.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No.____ or House Bill No. 5538(request no.
18 03058'09) of the 95th Legislature is enacted into law.