

HOUSE BILL NO. 4727

June 13, 2019, Introduced by Reps. Bolden, Hammoud, Guerra, Rabhi, Sowerby, Manoogian, Pagan, Elder, Gay-Dagnogo, LaGrand, Anthony, Peterson and Sabo and referred to the Committee on Military, Veterans and Homeland Security.

A bill to create the nonprofit legal organization contract act; to create the nonprofit legal organization contract fund; to provide for use of the fund; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
- 2 "nonprofit legal organization contract act".
- 3 Sec. 2. As used in this act:
- 4 (a) "Individual in removal proceedings" means an individual



1 who is in removal proceedings under section 240 of the federal
2 immigration and nationality act, 8 USC 1229a, before a federal
3 immigration judge that is located in this state, an individual who
4 is arrested by Immigration and Customs Enforcement within this
5 state and placed in expedited removal proceedings, an individual
6 who is paroled into the United States at or near a port of entry in
7 this state for purposes of removal proceedings, any individual
8 detained by United States Customs and Border Protection at any port
9 of entry in this state, including, but not limited to, when the
10 port of entry is at an airport, on land, or at sea, or an
11 individual who is a party to an appeal made to the Board of
12 Immigration Appeals, the United States Sixth Circuit Court, or a
13 federal district court in this state arising from those
14 proceedings.

15 (b) "Legal services" means services provided by a licensed
16 attorney to an individual who is being detained for deportation
17 proceedings, beginning with the individual's initial detention
18 through a court's final deportation determination.

19 (c) "Legal training and technical assistance" includes, but is
20 not limited to, webinars, in-person trainings, mentoring, removal
21 defense boot camps, and technical assistance in the form of
22 answering questions via electronic mail, fax, or telephone from
23 organizations described in section 4(1) and their staff and
24 volunteers who assist individuals with removal defense.

25 (d) "Stakeholder" includes, but is not limited to, nonprofit
26 legal services organizations with experience in immigration removal
27 defense and nonprofit organizations with experience in public
28 policy impacting immigrants.

29 (e) "Violent felony" means that term as defined in section 36



1 of the corrections code of 1953, 1953 PA 232, MCL 791.236.

2 Sec. 3. (1) The state court administrative office shall either
3 contract directly with qualified nonprofit legal services
4 organizations, or contract with a nonprofit agency to administer
5 funding to nonprofit legal services organization subcontractors, to
6 provide legal services to individuals in removal proceedings who
7 are not otherwise entitled to legal representation under an
8 existing local, state, or federal program. The state court
9 administrative office may prioritize the award of contracts to
10 provide legal services for detained individuals in removal
11 proceedings. The state court administrative office may prioritize
12 the award of contracts to qualified nonprofit legal services
13 organizations that also receive county or city funding to provide
14 legal services to individuals in removal proceedings.

15 (2) The state court administrative office may consult with
16 stakeholders to determine the prioritization of funding based on
17 specified factors, including, but not limited to, the income of an
18 individual in removal proceedings. The state court administrative
19 office shall prioritize the award of contracts to provide legal
20 services for any of the following:

21 (a) Detained individuals who have a parent, spouse, or child
22 who is a citizen or legal permanent resident of the United States.

23 (b) Veterans of the United States military and their spouses.

24 (c) Individuals who have a claim for political asylum.

25 (d) Individuals who have longstanding ties to the United
26 States or who are eligible for relief under the federal deferred
27 action for childhood arrivals program. The state court
28 administrative office shall, in consultation with stakeholders,
29 define the term "longstanding ties" for the purposes of this



1 subdivision.

2 (3) The state court administrative office may request
3 proposals for agencies to act as the umbrella agency in order to
4 determine whether an umbrella agency model is more efficient than
5 contracting directly with individual organizations.

6 (4) Funds provided under a contract awarded under this section
7 must not be used to provide legal services to an individual who has
8 a final conviction for, or who is currently appealing a conviction
9 for, a violent felony.

10 Sec. 4. (1) A contract awarded under section 3 must be
11 executed either with a nonprofit agency that will administer
12 funding to nonprofit legal services organization subcontractors
13 that meet both of the following requirements, or directly with
14 nonprofit legal services organizations that meet both of the
15 following requirements:

16 (a) Have significant experience in representing individuals in
17 removal proceedings and asylum applications. As used in this
18 subdivision, "significant experience" means at least 1 of the
19 following:

20 (i) A minimum of 5 years of experience as an organization.

21 (ii) Experience as a federal subcontractor for immigration
22 representation.

23 (iii) Experience working with or under the supervision of an
24 organization, including a legal training or a technical assistance
25 organization, that has significant experience in removal defense.

26 (b) Are accredited by the Board of Immigration Appeals under
27 the United States Department of Justice's Executive Office for
28 Immigration Review.

29 (2) The state court administrative office may contract with



1 organizations that provide legal training and technical assistance
2 to other organizations qualified under subsection (1).

3 (3) Legal services organizations that provide legal training
4 and technical assistance must have at least 10 years of experience
5 conducting immigration legal services trainings and technical
6 assistance specifically on removal defense.

7 (4) The state court administrative office may contract with
8 organizations that provide postconviction relief services to
9 immigrants. Organizations with contracts under this subsection may
10 be criminal defense organizations that file postconviction relief
11 motions and petitions in this state.

12 (5) The state court administrative office may contract with
13 organizations that provide case coordination and placement services
14 to ensure that all individuals eligible for representation under a
15 contract entered into under section 3 or this section receive that
16 representation in a timely fashion.

17 Sec. 5. (1) The nonprofit legal organization contract fund is
18 created within the state treasury.

19 (2) The state treasurer may receive money or other assets from
20 any source for deposit into the fund. The state treasurer shall
21 direct the investment of the fund. The state treasurer shall credit
22 to the fund interest and earnings from fund investments.

23 (3) Money in the fund at the close of the fiscal year must
24 remain in the fund and must not lapse to the general fund.

25 (4) The state court administrative office shall be the
26 administrator of the fund for auditing purposes.

27 (5) The state court administrative office shall expend money
28 from the fund, upon appropriation, only for 1 or more of the
29 following purposes:



1 (a) To carry out its duties under this act.

2 (b) To award contracts as provided in section 3 and 4.

3 Enacting section 1. This act takes effect 90 days after the

4 date it is enacted into law.

