

Act No. 108  
Public Acts of 2019  
Approved by the Governor  
October 31, 2019

Filed with the Secretary of State  
October 31, 2019

EFFECTIVE DATE: October 1, 2021

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2019**

Introduced by Senators VanderWall and Geiss

## **ENROLLED SENATE BILL No. 84**

AN ACT to amend 2013 PA 93, entitled “An act to create the Michigan indigent defense commission and to provide for its powers and duties; to provide indigent defendants in criminal cases with effective assistance of counsel; to provide standards for the appointment of legal counsel; to provide for and limit certain causes of action; and to provide for certain appropriations and grants,” by amending section 3 (MCL 780.983), as amended by 2018 PA 214.

*The People of the State of Michigan enact:*

Sec. 3. As used in this act:

(a) “Adult” means either of the following:

(i) An individual 18 years of age or older.

(ii) An individual less than 18 years of age at the time of the commission of a felony if any of the following conditions apply:

(A) During consideration of a petition filed under section 4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.4, to waive jurisdiction to try the individual as an adult and upon granting a waiver of jurisdiction.

(B) The prosecuting attorney designates the case under section 2d(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d, as a case in which the juvenile is to be tried in the same manner as an adult.

(C) During consideration of a request by the prosecuting attorney under section 2d(2) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d, that the court designate the case as a case in which the juvenile is to be tried in the same manner as an adult.

(D) The prosecuting attorney authorizes the filing of a complaint and warrant for a specified juvenile violation under section 1f of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.1f.

(b) “Consumer Price Index” means the annual United States Consumer Price Index for all urban consumers as defined and reported by the United States Department of Labor, Bureau of Labor Statistics.

(c) “Department” means the department of licensing and regulatory affairs.

(d) “Effective assistance of counsel” or “effective representation” means legal representation that is compliant with standards established by the appellate courts of this state and the United States Supreme Court.

(e) “Indigent” means meeting 1 or more of the conditions described in section 11(3).

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

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

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

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

(h) "Indigent criminal defense system" or "system" means either of the following:

(i) The local unit of government that funds a trial court.

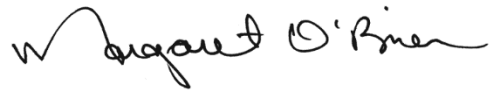
(ii) If a trial court is funded by more than 1 local unit of government, those local units of government, collectively.

(i) "Local share" or "share" means an indigent criminal defense system's average annual expenditure for indigent criminal defense services in the 3 fiscal years immediately preceding the creation of the MIDC under this act, excluding money reimbursed to the system by individuals determined to be partially indigent. Beginning on November 1, 2018, if the Consumer Price Index has increased since November 1 of the prior state fiscal year, the local share must be adjusted by that number or by 3%, whichever is less.

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

(k) "Partially indigent" means a criminal defendant who is unable to afford the complete cost of legal representation, but is able to contribute a monetary amount toward his or her representation.

Enacting section 1. This amendatory act takes effect October 1, 2021.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor