

HOUSE BILL No. 6123

June 1, 2006, Introduced by Rep. Cushingberry and referred to the Committee on Judiciary.

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 BAIL BOND**
4 **SURCHARGES AND INDIGENT DEFENSE COUNSEL FEES RECEIVED UNDER SECTION**
5 **6(4) OF CHAPTER V AND SECTION 3D OF CHAPTER XI OF THE CODE OF**
6 **CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6 AND 771.3D, AND MAY**
7 **RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE**
8 **FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND.**
9 **THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS**
10 **FROM FUND INVESTMENTS.**

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

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

6 (A) EIGHTY PERCENT OF THE AMOUNT IN THE FUND SHALL BE EXPENDED
7 FOR GRANTS TO COUNTIES TO REIMBURSE COUNTIES FOR THE EXPENSE OF
8 PROVIDING LEGAL COUNSEL TO INDIGENT CRIMINAL DEFENDANTS. THE AMOUNT
9 OF THE GRANTS SHALL BE BASED ON THE NUMBER OF CRIMINAL CASES IN
10 EACH COUNTY.

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

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No.____ or House Bill No. 6122(request no.
16 02583'05) of the 93rd Legislature is enacted into law.