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DRAFT 1

A bill to establish the statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in certain civil cases who are entitled by law to assistance of counsel at public expense; to provide for a chief public defender and a chief appellate defender; to prescribe powers and duties; to provide for the promulgation of rules; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan public defender act".

3 Sec. 2. The purposes of this act are to do all of the
4 following:

5 (a) Establish a statewide public defender system to provide
6 effective assistance of counsel to indigent criminal defendants and
7 other persons in civil cases who are entitled by law to assistance



1 of counsel at public expense.

2 (b) Ensure that the system is free from undue political
3 interference and conflicts of interest.

4 (c) Provide that public defender services are delivered by
5 qualified and competent counsel in a manner that is fair and
6 consistent throughout the state.

7 (d) Establish a system that utilizes state employees,
8 contracted services, or other methods of providing services in a
9 manner that is responsive to and respective of regional and
10 community needs and interests.

11 (e) Ensure that adequate public funding of the statewide
12 public defender system is provided and managed in a fiscally
13 responsible manner.

14 Sec. 3. As used in this act:

15 (a) "Bureau" means the appellate defender bureau created in
16 section 10.

17 (b) "Commission" means the public defender commission created
18 in section 4.

19 (c) "Court" means the supreme court, court of appeals, circuit
20 court, district court, family court, probate court, or municipal
21 court.

22 (d) "Office" means the office of state public defender created
23 in section 8.

24 (e) "Public defender" means an attorney employed by or under
25 contract with the office and assigned to provide legal counsel to a
26 person under this act.

27 (f) "Statewide public defender system", "state system", or



1 "system" means the system of public defender services created in
2 section 4.

3 (g) "Supreme court" means the supreme court of this state.

4 Sec. 4. (1) The statewide public defender system is created.
5 The statewide public defender system shall deliver public defender
6 services in all courts in this state. The system is supervised by
7 the commission and administered by the office.

8 (2) A public defender commission is created within the office
9 of the state court administrator. The public defender commission
10 consists of 7 members appointed by the governor for terms of 4
11 years. Of the 7 members, 2 members shall be recommended by the
12 supreme court, 1 member shall be recommended by the court of
13 appeals of this state, 1 member shall be recommended by the
14 Michigan judges association, 2 members shall be recommended by the
15 state bar of this state, and 1 member, who is not an attorney,
16 shall be selected from the general public by the governor. A member
17 of the commission shall not be at the time of appointment a sitting
18 judge, a prosecuting attorney, or a law enforcement officer.

19 (3) Initially 4 members of the commission shall be appointed
20 for terms of 4 years and 1 member each for terms of 1, 2, and 3
21 years respectively.

22 (4) Members of the commission shall not receive a salary in
23 that capacity but shall be reimbursed for their reasonable actual
24 and necessary expenses by the state treasurer upon the warrant of
25 the state treasurer.

26 (5) The commission shall approve a strategic plan for service
27 delivery and divide the state into not more than 4 public defender



1 regions. The commission may establish a regional office to provide
2 public defender services in each region, establish a contracted
3 services program to provide services in the region, and utilize
4 other service delivery methods as appropriate and consistent with
5 the purposes described in section 2.

6 (6) If a court orders the office to assign counsel, the office
7 shall immediately assign a public defender qualified to provide the
8 required services. The commission shall establish protocols to
9 ensure that the office makes appropriate assignments in a timely
10 manner.

11 (7) A court may order the office to assign counsel under this
12 act in the following cases:

13 (a) Cases in which an individual is entitled to assistance of
14 counsel at public expense because of financial inability to retain
15 private counsel, subject to a determination of indigence under
16 section 7, as follows:

17 (i) For a person charged with a felony or charged with a
18 misdemeanor for which there is a possibility of incarceration, at
19 arraignment.

20 (ii) For a party in a proceeding to determine parentage under
21 the paternity act, 1956 PA 205, MCL 722.711 to 722.730.

22 (iii) For a parent, guardian, or other person with physical or
23 legal custody of a child or youth in any removal, placement, or
24 termination proceeding under the probate code of 1939, 1939 PA 288,
25 MCL 710.21 to 712A.32, and as required under the Indian child
26 welfare act of 1978, 25 USC 1901 to 1963.

27 (iv) For an applicant for an appeal of a sentence or other



1 postconviction relief.

2 (v) For a parent or guardian in a proceeding for the
3 involuntary commitment of a developmentally disabled person to a
4 residential facility.

5 (vi) For a respondent in a proceeding for involuntary
6 commitment for a mental illness.

7 (vii) For a respondent in a proceeding for the involuntary
8 commitment of a person for alcoholism.

9 (viii) For a witness in a criminal grand jury proceeding
10 convened under chapter VII of the code of criminal procedure, 1927
11 PA 175, MCL 767.1 to 767.96.

12 (b) In cases in which a person is entitled by law to the
13 assistance of counsel at public expense regardless of the person's
14 financial ability to retain private counsel, as follows:

15 (i) For a juvenile in a proceeding under chapter XIIIA of the
16 probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

17 (ii) For a juvenile entitled to assigned counsel in a
18 proceeding under the interstate compact for juveniles, 2003 PA 56,
19 MCL 3.691 to 3.692.

20 (iii) For a minor who petitions for a waiver of parental consent
21 under the parental rights restoration act, 1990 PA 211, MCL 722.901
22 to 722.908.

23 (iv) For a respondent in a proceeding for the involuntary
24 commitment of a developmentally disabled person to a residential
25 facility.

26 (v) For a minor voluntarily committed to a mental health
27 facility.



1 (vi) For a person who is the subject of a petition for the
2 appointment of a guardian or conservator in a proceeding under the
3 estates and protected individuals code, 1998 PA 386, MCL 700.1101
4 to 700.8102.

5 (vii) For a ward when the ward's guardian has filed a petition
6 to require medical treatment for a mental illness of the ward.

7 (c) For an eligible appellant in an appeal of a proceeding
8 listed in this subsection.

9 (8) Except as otherwise provided in this subsection, a public
10 defender shall not be assigned to act as a court-appointed special
11 advocate or guardian ad litem in a proceeding under chapter XIIA of
12 the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.
13 However, a private attorney who is contracted with under section 11
14 to provide public defender services under this act may be appointed
15 as a court-appointed special advocate or guardian ad litem in a
16 proceeding described in this subsection if the appointment is
17 separate from the attorney's service for the statewide public
18 defender system and does not result in a conflict of interest.

19 Sec. 5. In addition to other duties assigned under this act,
20 the commission shall do all of the following:

21 (a) Establish the qualifications, duties, and compensation of
22 the chief public defender, as provided in section 8, appoint a
23 chief public defender after considering qualified applicants, and
24 regularly evaluate the performance of the chief public defender.

25 (b) Establish statewide standards for the qualification and
26 training of attorneys providing public defender services to ensure
27 that services are provided by competent counsel and in a manner



1 that is fair and consistent throughout the state. The standards
2 must take into consideration all of the following:

3 (i) The level of education and experience that is necessary to
4 competently handle certain cases and case types in order to provide
5 effective assistance of counsel.

6 (ii) Acceptable caseloads and workload monitoring protocols to
7 ensure that public defender workloads are manageable.

8 (iii) Access to and use of necessary professional services,
9 including, but not limited to, paralegal, investigator, and other
10 services that may be required to support a public defender in a
11 case.

12 (iv) Continuing education requirements for public defenders and
13 support staff.

14 (v) Practice standards.

15 (vi) Performance criteria.

16 (vii) Performance evaluation protocols.

17 (c) Review and approve the strategic plan and budget proposals
18 submitted by the chief public defender.

19 (d) Review and approve any proposal to create permanent staff
20 positions.

21 (e) Establish policies and procedures for identifying cases in
22 which public defenders may have a conflict of interest and for
23 ensuring that cases involving a conflict of interest are handled
24 according to professional ethical standards.

25 (f) Establish policies and procedures for handling excess
26 caseloads.

27 (g) Establish policies and procedures to ensure that detailed



1 expenditure and caseload data are collected, recorded, and reported
2 to support strategic planning efforts for the system.

3 (h) Promulgate rules under the administrative procedures act
4 of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement this act.

5 (i) Submit a biennial report to the governor, the supreme
6 court, and the legislature concerning the preceding biennium. The
7 report required under this subdivision shall include all of the
8 following information:

9 (i) All policies or procedures in effect for the operation and
10 administration of the statewide public defender system.

11 (ii) All standards established or being considered by the
12 commission or the chief public defender.

13 (iii) The number of deputy public defenders and the region
14 supervised by each.

15 (iv) The number of public defenders employed or contracted with
16 in the system, identified by region.

17 (v) The number of attorney and nonattorney staff supervised by
18 each deputy public defender.

19 (vi) The number of new cases in which counsel was assigned to
20 represent a party, identified by region, court, and case type.

21 (vii) The total number of persons represented by the office,
22 identified by region, court, and case type.

23 (viii) The annual caseload and workload of each public defender,
24 identified by region, court, and case type.

25 (ix) The training programs conducted by the office and the
26 number of attorney and nonattorney staff who attended each program.

27 (x) The continuing education courses on criminal defense or



1 criminal procedure attended by each public defender employed or
2 contracted with in the system.

3 (xi) Detailed expenditure data by court and case type.

4 Sec. 6. The public defender fund is created as a separate fund
5 in the department of treasury. Money in the fund may be used only
6 for the operation of the system.

7 Sec. 7. (1) When a court orders the office to assign counsel,
8 the office shall immediately assign counsel prior to a
9 determination under this section.

10 (2) If the person for whom counsel has been assigned is later
11 determined pursuant to this section to be ineligible for public
12 defender services, the office shall immediately notify the court so
13 that the court's order may be rescinded.

14 (3) A person for whom counsel is assigned is entitled to the
15 full benefit of public defender services until the court's order
16 requiring the assignment is rescinded.

17 (4) Any determination pursuant to this section is subject to
18 the review and approval of the court.

19 (5) An applicant who is eligible for a public defender only
20 because the applicant is indigent shall also provide a detailed
21 financial statement and sign an affidavit. The application,
22 financial statement, and affidavit shall be on a form prescribed by
23 the commission. Information disclosed in the application, financial
24 statement, or affidavit is not admissible in a civil or criminal
25 action except when offered for impeachment purposes or in a
26 subsequent prosecution of the applicant for perjury or false
27 swearing.



1 (6) The office may not withhold the timely provision of public
2 defender services for delay or failure to fill out an application
3 under subsection (5). However, a court may find a person in civil
4 contempt of court for a person's unreasonable delay or failure to
5 comply with the provisions of subsection (5).

6 (7) An applicant is indigent if either or both of the
7 following apply:

8 (a) The applicant's gross household income is at or less than
9 133% of the poverty level set according to the most current federal
10 poverty guidelines updated periodically in the federal register by
11 the United States department of health and human services under the
12 authority of 42 USC 9902(2).

13 (b) The disposable income and assets of the applicant and the
14 members of the applicant's household are insufficient to retain
15 competent private counsel without substantial hardship to the
16 applicant or the members of the applicant's household.

17 (8) A determination of indigence under subsection (7) shall
18 not be denied based solely on an applicant's ability to post bail
19 or solely because the applicant is employed. A determination may be
20 modified by the office or the court if additional information
21 becomes available or if the applicant's financial circumstances
22 change.

23 (9) The commission shall promulgate rules to implement this
24 section under the administrative procedures act of 1969, 1969 PA
25 306, MCL 24.201 to 24.328, that accomplish all of the following:

26 (a) Ensure that the eligibility determination process is fair
27 and consistent statewide.



1 (b) Allow a qualified private attorney to represent an
2 applicant if the attorney agrees to accept from the applicant a
3 compensation rate that will not constitute a substantial financial
4 hardship to the applicant or the members of the applicant's
5 household.

6 (c) Provide for the use of other public or private agencies or
7 contractors to conduct eligibility screening under this section.

8 (d) Avoid unnecessary duplication of processes.

9 (e) Prohibit individual public defenders from performing
10 eligibility screening under this section.

11 (10) As used in this section:

12 (a) "Gross household income" means all income received by all
13 individuals of a household while they are members of the household.

14 (b) "Household" means an association of persons who live in
15 the same dwelling, sharing its furnishings, facilities,
16 accommodations, and expenses. Household does not include bona fide
17 lessees, tenants, or roomers and boarders on contract.

18 (c) "Income" means, except as provided in subdivision (e),
19 federal adjusted gross income, without regard to loss, as that
20 quantity is defined in section 62 of the internal revenue code of
21 1986, 26 USC 62, plus all nontaxable income, including, but not
22 limited to, all of the following:

23 (i) The amount of a pension or annuity, including railroad
24 retirement act benefits and veterans' disability benefits.

25 (ii) The amount of capital gains excluded from adjusted gross
26 income.

27 (iii) Alimony.



1 (iv) Child support money.

2 (v) Nontaxable strike benefits.

3 (vi) Cash public assistance and relief.

4 (vii) Interest on federal, state, county, and municipal bonds.

5 (viii) All payments received under the social security act, 42
6 USC 301 to 1397jj, except social security income paid directly to a
7 nursing home.

8 Sec. 8. (1) The office of the state public defender is created
9 within the office of the state court administrator under the
10 supervision and direction of the supreme court.

11 (2) The commission shall appoint a chief public defender who
12 shall serve at the pleasure of the commission. The chief public
13 defender shall be an attorney licensed to practice law in this
14 state.

15 (3) The commission shall establish compensation for the
16 position commensurate with the position's duties and
17 responsibilities, taking into account the compensation paid to
18 prosecutors with similar responsibilities.

19 (4) In addition to the duties listed in section 9, the chief
20 public defender shall hire or contract for and supervise other
21 personnel necessary to perform the function of the office and to
22 implement the provisions of this act, assistant public defenders,
23 and other necessary administrative and professional support staff
24 for the office.

25 (5) Beginning on the effective date of this act, the following
26 expenses are payable by the office if the expense is incurred at
27 the request of a public defender:



1 (a) Witness and interpreter fees and expenses.

2 (b) Transcript fees.

3 (6) The chief public defender shall establish procedures to
4 provide for the approval, payment, recording, reporting, and
5 management of defense expenses paid under this section.

6 Sec. 9. In addition to the duties listed in section 8, the
7 chief public defender shall perform all of the following duties:

8 (a) Act as secretary to the commission and provide
9 administrative staff support to the commission.

10 (b) Assist the commission in establishing the state system and
11 establishing the standards, policies, and procedures required under
12 this act.

13 (c) Develop and present for the commission's approval a
14 regional strategic plan for the delivery of public defender
15 services.

16 (d) Establish processes and procedures to ensure that when a
17 case that is assigned to the office presents a conflict of interest
18 for a public defender, the conflict is identified and handled
19 appropriately and ethically.

20 (e) Establish processes and procedures to ensure that office
21 and contract personnel use information technology and caseload
22 management systems so that detailed expenditure and caseload data
23 are accurately collected, recorded, and reported.

24 (f) Establish administrative management procedures for
25 regional offices.

26 (g) Establish procedures for managing caseloads and assigning
27 cases in a manner that ensures that public defenders are assigned



1 cases according to experience, training, and manageable caseloads,
2 and taking into account case complexity, the severity of charges
3 and potential punishments, and the legal skills required to provide
4 effective assistance of counsel.

5 (h) Establish and supervise a training and performance
6 evaluation program for attorneys and nonattorney staff members and
7 contractors.

8 (i) Establish procedures to handle complaints about public
9 defender performance and to ensure that public defenders, office
10 personnel, and clients are aware of avenues available for bringing
11 a complaint.

12 (j) Maintain a minimum client caseload, as determined by the
13 commission.

14 (k) Actively seek gifts, grants, and donations that may be
15 available through the federal government or other sources to help
16 fund the system.

17 (l) Perform all other duties assigned by the commission under
18 this act.

19 Sec. 10. (1) The appellate defender bureau is created in the
20 office of state public defender. The chief public defender shall
21 hire and supervise a chief appellate defender to manage and
22 supervise the bureau.

23 (2) The chief appellate defender has all of the following
24 duties:

25 (a) To manage and supervise all public defender services
26 provided by the bureau.

27 (b) To ensure that when a court orders the office to assign an



1 appellate lawyer or when a defendant or petitioner is otherwise
2 entitled to an appellate public defender, the assignment is made
3 promptly to a qualified and appropriate appellate defender who is
4 immediately available to the defendant or petitioner when
5 necessary.

6 (c) To hire and supervise the work of the bureau defender
7 personnel as authorized by the appellate defender.

8 (d) To contract for services as provided in section 11 and as
9 authorized by the chief public defender according to the strategic
10 plan approved under section 4 for the delivery of public defender
11 services.

12 (e) To keep a record of appellate defender services and
13 expenses of the bureau and submit records and reports to the chief
14 public defender as requested.

15 (f) To implement standards and procedures established by the
16 commission and the chief public defender for the bureau.

17 (g) To maintain a minimum client caseload as determined by the
18 chief public defender.

19 (h) To perform all other duties assigned to the chief
20 appellate defender by the chief public defender.

21 Sec. 11. (1) The commission shall establish standards for a
22 statewide contracted services program that ensure that contracting
23 for public defender services is done fairly and consistently
24 statewide and within each public defender region.

25 (2) The state office and each regional office may contract to
26 provide public defender, professional nonattorney, and other
27 personal services necessary to deliver public defender services



1 within each public defender region in a manner consistent with
2 statewide standards adopted by the commission under this section.
3 Contracts executed under this section shall not be awarded based
4 solely on the lowest bid or provide compensation to contractors
5 based solely on a fixed fee paid irrespective of the number of
6 cases assigned. However, contracting for public defender services
7 shall be done through a competitive process that must, at a
8 minimum, involve all of the following considerations:

9 (a) Attorney qualifications necessary to provide effective
10 assistance of counsel that meets the standards established by the
11 commission.

12 (b) Attorney access to support services, such as paralegal and
13 investigator services.

14 (c) Attorney caseload, including the amount of private
15 practice engaged in outside the contract.

16 (d) Reporting protocols and caseload monitoring processes.

17 (e) A process for the supervision and evaluation of
18 performance.

19 (f) A process for conflict resolution.

20 (g) Continuing education requirements in accordance with
21 standards set by the commission.

22 (3) The chief public defender shall provide for contract
23 oversight and enforcement to ensure compliance with established
24 standards.

25 (4) The commission shall adopt rules to establish reasonable
26 compensation for attorneys contracted to provide public defender
27 services and for others contracted to provide nonattorney services.



1 Sec. 12. All appointees and employees of the office are
2 considered employees of the supreme court and are exempt from the
3 state civil service under section 5 of article XI of the state
4 constitution of 1963.

5 Enacting section 1. The appellate defender act, 1978 PA 620,
6 MCL 780.711 to 780.719, is repealed.



1 (c) The previous criminal record and the dangerousness of
2 the person accused.

3 (d) The probability or improbability of the person accused
4 appearing at the trial of the cause.

5 (2) If the court fixes a bail amount under subsection (1)
6 and allows for the posting of a 10% deposit bond, the person
7 accused may post bail by a surety bond in an amount equal to 1/4
8 of the full bail amount fixed under subsection (1) and executed
9 by a surety approved by the court.

10 (3) If a person is arrested for an ordinance violation or a
11 misdemeanor and if the defendant's operator's or chauffeur's
12 license is not expired, suspended, revoked, or cancelled, the
13 court may require the defendant, in place of other security for
14 the defendant's appearance in court for trial or sentencing or,
15 as a condition for release of the defendant on personal
16 recognizance, to surrender to the court his or her operator's or
17 chauffeur's license. The court shall issue to the defendant a
18 receipt for the license, as provided in section 311a of the
19 Michigan vehicle code, 1949 PA 300, MCL 257.311a. If the trial
20 date is set at the arraignment, the court shall specify on the
21 receipt the date on which the defendant is required to appear for
22 trial. If a trial date is not set at the arraignment, the court
23 shall specify on the receipt a date on which the receipt expires.
24 By written notice the court may extend the expiration date of the
25 receipt, as needed, to secure the defendant's appearance for
26 trial and sentencing. The written notice shall instruct the
27 person to whom the receipt was issued to attach the notice to the



1 receipt. Upon its attachment to the receipt, the written notice
2 shall be considered a part of the receipt for purposes of
3 determining the expiration date. At the conclusion of the trial
4 or imposition of sentence, as applicable, the court shall return
5 the license to the defendant unless other disposition of the
6 license is authorized by law.

7 **(4) A SURCHARGE OF 5% OF THE AMOUNT FIXED UNDER SUBSECTION**
8 **(1) SHALL BE INCLUDED IN THE AMOUNT OF BAIL REQUIRED OF THE**
9 **PERSON. ALL SURCHARGES COLLECTED UNDER THIS SUBSECTION SHALL BE**
10 **TRANSMITTED MONTHLY BY THE CLERK OF THE COURT TO THE STATE**
11 **TREASURER FOR DEPOSIT IN THE INDIGENT DEFENSE COUNSEL FUND**
12 **CREATED IN THE STATE TREASURY UNDER SECTION 177 OF THE REVISED**
13 **JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.177.**

14 Sec. 15. (1) If bond or bail is forfeited, the court shall
15 enter an order upon its records directing the disposition of the
16 cash, check, or security within 45 days of the order. The
17 treasurer or clerk, upon presentation of a certified copy of ~~such~~
18 **THE** order, shall dispose of the cash, check, or security pursuant
19 to the order. The court shall set aside the forfeiture and
20 discharge the bail or bond, within 1 year from the time of the
21 forfeiture judgment, in accordance with subsection (2) if the
22 person who forfeited bond or bail is apprehended, the ends of
23 justice have not been thwarted, and the county has been repaid
24 its costs for apprehending the person.

25 (2) If bond or bail is discharged, the court shall enter an
26 order with a statement of the amount to be returned to the
27 depositor. If the court ordered the defendant to pay a fine,



1 costs, restitution, assessment, or other payment, the court shall
2 order the fine, costs, restitution, assessment, or other payment
3 collected out of cash bond or bail personally deposited by the
4 defendant under this chapter, and the cash bond or bail used for
5 that purpose shall be allocated as provided in section 22 of
6 chapter XV. **THE COURT SHALL ORDER THAT THE SURCHARGE IMPOSED**
7 **UNDER SECTION 6(4) OF THIS CHAPTER BE COLLECTED AND TRANSMITTED**
8 **BY THE CLERK OF THE COURT IN THE MANNER PRESCRIBED IN THAT**
9 **SECTION.** Upon presentation of a certified copy of the order, the
10 treasurer or clerk having the cash, check, or security shall pay
11 or deliver it as provided in the order to the person named in the
12 order or to that person's order.

13 (3) If the cash, check, or security is in the hands of the
14 sheriff or any officer other than the treasurer or clerk, the
15 officer holding it shall dispose of the cash, check, or security
16 as the court orders upon presentation of a certified copy of the
17 court's order.

18 CHAPTER XI

19 SEC. 3D. (1) **THE COURT SHALL INCLUDE IN EACH ORDER OF**
20 **PROBATION FOR A DEFENDANT CONVICTED OF A CRIME THAT THE CLERK OF**
21 **THE COURT SHALL COLLECT AN INDIGENT DEFENSE COUNSEL FEE OF NOT**
22 **MORE THAN \$135.00. THE FEE IS PAYABLE WHEN THE PROBATION ORDER IS**
23 **ENTERED, BUT THE FEE MAY BE PAID IN MONTHLY INSTALLMENTS IF THE**
24 **COURT APPROVES INSTALLMENT PAYMENTS FOR THAT PROBATIONER. IN**
25 **DETERMINING THE AMOUNT OF THE FEE, THE COURT SHALL CONSIDER THE**
26 **PROBATIONER'S PROJECTED INCOME AND FINANCIAL RESOURCES. THE COURT**
27 **SHALL USE THE FOLLOWING TABLE OF PROJECTED MONTHLY INCOME IN**



1 DETERMINING THE AMOUNT OF THE FEE TO BE ORDERED:

2	PROJECTED MONTHLY INCOME	AMOUNT OF FEE
3	\$ 0-249.99	\$ 5.00
4	\$ 250.00-499.99	\$10.00
5	\$ 500.00-749.99	\$25.00
6	\$ 750.00-999.99	\$40.00
7	\$ 1,000.00 OR MORE	5% OF PROJECTED MONTHLY INCOME,
8		BUT NOT MORE THAN \$135.00

9 THE COURT MAY ORDER A HIGHER AMOUNT THAN INDICATED BY THE TABLE,
10 UP TO THE MAXIMUM OF \$135.00, IF THE COURT DETERMINES THAT THE
11 PROBATIONER HAS SUFFICIENT ASSETS OR OTHER FINANCIAL RESOURCES TO
12 WARRANT THE HIGHER AMOUNT. IF THE COURT ORDERS A HIGHER AMOUNT,
13 THE AMOUNT AND THE REASONS FOR ORDERING THAT AMOUNT SHALL BE
14 STATED IN THE COURT ORDER. ALL FEES SUBMITTED TO THE CLERK OF THE
15 COURT UNDER THIS SECTION SHALL BE TRANSMITTED MONTHLY BY THE
16 CLERK TO THE STATE TREASURER FOR DEPOSIT IN THE INDIGENT DEFENSE
17 COUNSEL FUND CREATED IN THE STATE TREASURY UNDER SECTION 177 OF
18 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.177.

19 (2) IF A PERSON WHO IS SUBJECT TO AN INDIGENT DEFENSE
20 COUNSEL FEE IS ALSO SUBJECT TO ANY COMBINATION OF FINES, COSTS,
21 RESTITUTION ORDERS, ASSESSMENTS, OR PAYMENTS ARISING OUT OF THE
22 SAME CRIMINAL PROCEEDING, THE ALLOCATION OF MONEY COLLECTED FOR
23 THOSE OBLIGATIONS SHALL BE AS OTHERWISE PROVIDED IN SECTION 22 OF
24 CHAPTER XV.

25 (3) THIS SECTION DOES NOT APPLY TO A JUVENILE PLACED ON
26 PROBATION AND COMMITTED UNDER SECTION 1(3) OR (4) OF CHAPTER IX
27 TO AN INSTITUTION OR AGENCY DESCRIBED IN THE YOUTH REHABILITATION



1 **SERVICES ACT, 1974 PA 150, MCL 803.301 TO 803.309.**

2 Enacting section 1. This amendatory act does not take effect
3 unless Senate Bill No.____ or House Bill No.____ (request no.
4 01438'09 a) of the 95th Legislature is enacted into law.

