

CRIMINAL ISSUES INITIATIVE

Respectfully submits the following position on:

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HB 5804

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The Criminal Issues Initiatives is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Issues Initiatives only and is not an official position of the State Bar of Michigan, nor does it necessarily reflect the views of all members of the State Bar of Michigan.

The State Bar position on this matter is support.

The total membership of the Criminal Issues Initiatives 17.

The position was adopted after discussion at a scheduled meeting and an e-vote. The number of members in the decision-making body is 17. The number who voted in favor to this position was 11. The number who voted opposed to this position was 6.

Report on Public Policy Position

Name of committee:

Criminal Issues Initiative

Contact persons:

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Bill Number:

[HB 5804](#) (McMillin) Criminal procedure; defenses; statewide standards and accountability measures of trial level indigent criminal defense services; implement. Creates new act.

Date position was adopted:

September 14, 2012

Process used to take the ideological position:

Position adopted after discussion at a scheduled meeting and an e-vote.

Number of members in the decision-making body:

17

Number who voted in favor and opposed to the position:

11 Voted for position

0 Voted against position

0 Abstained from vote

6 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The Initiative supports the legislation in principle because (1) it brings about reform to indigent defense which is badly needed; (2) it implements constitutionally mandated state support for indigent defense to bring Michigan in line with the rest of the country, and (3) it is faithful to the ten principles for public defense.

We hope in the process in establishing the state funded public defense system that there is a mechanism in place where people could provide their comments and concerns.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2012-HB-5804>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

This bill is Keller-permissible because providing an attorney to indigent individuals is a key duty of the court system, as noted by both the United States and Michigan Constitutions.