

PRISONS & CORRECTIONS SECTION
Respectfully submits the following position on:

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HB 5804

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The Prisons & Corrections Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Prisons & Corrections Section only and is not the position of the State Bar of Michigan.

The State Bar's position on this matter is to support the bill.

The total membership of the Prisons & Corrections Section is 140.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 15. The number who voted in favor to this position was 12. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Prisons & Corrections

Contact person:

John Shea

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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:

October 6, 2012

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

12 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The Prisons and Corrections Section supports HB 5804. The establishment of an Indigent Defense Commission is an important first step in enacting reforms to Michigan's indigent defense service delivery system.

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.