

SENATE BILL No. 301

April 10, 2013, Introduced by Senator CASWELL and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 16 of chapter XV (MCL 775.16), as amended by
1980 PA 506.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XV

Sec. 16. When a person charged with having committed a ~~felony~~
CRIME appears before a magistrate without counsel, and ~~who has not~~
~~waived examination on the charge upon which the person appears,~~ the
person shall be advised of his or her right to have counsel
appointed. ~~for the examination.~~ If the person states that he or she
is unable to procure counsel, the magistrate shall ~~notify the chief~~
~~judge of the circuit court in the judicial district in which the~~
~~offense is alleged to have occurred, or the chief judge of the~~
~~recorder's court of the city of Detroit if the offense is alleged~~

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1 ~~to have occurred in the city of Detroit. Upon proper showing, the~~
2 ~~chief judge shall appoint or direct the magistrate to appoint an~~
3 ~~attorney to conduct the accused's examination and to conduct the~~
4 ~~accused's defense. The attorney appointed by the court shall be~~
5 ~~entitled to receive from the county treasurer, on the certificate~~
6 ~~of the chief judge that the services have been rendered, the amount~~
7 ~~which the chief judge considers to be reasonable compensation for~~
8 ~~the services performed.~~**APPOINT COUNSEL, IF THE PERSON IS ELIGIBLE**
9 **FOR APPOINTED COUNSEL UNDER THE MICHIGAN INDIGENT DEFENSE**
10 **COMMISSION ACT.**

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No. ____ or House Bill No. ____ (request no.
13 00723'13) of the 97th Legislature is enacted into law.