

# Legislative Analysis



## INDIGENT YOUTH DEFENSE AND APPELLATE SERVICES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

### House Bills 4630 and 4631 as introduced

Sponsor: Rep. Sarah Lightner

Committee: Criminal Justice

Complete to 9-19-23

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

Briefly described, House Bill 4630 would amend the Michigan Indigent Defense Commission Act to require the development of, and compliance with, minimum standards for the effective legal representation of indigent youth in the juvenile justice system, and House Bill 4631 would similarly require the State Appellate Defender Office to develop a system of appellate defense services for indigent youth. A detailed summary of the two bills is in progress.

### BACKGROUND:

The Michigan Task Force on Juvenile Justice Reform was created by Executive Order 2021-6 as a bipartisan advisory body in the Department of Health and Human Services<sup>1</sup> to “lead a data-driven analysis of [Michigan’s] juvenile justice system and recommend proven practices and strategies for reform grounded in data, research, and fundamental constitutional principles.” In particular, in the words of its final report,<sup>2</sup> the task force was “charged with developing recommendations to improve state law, policy, and appropriations guided by the following objectives:

- Safely reduce placement in detention and residential placement and associated costs.
- Increase the safety and well-being of youth impacted by the juvenile justice system.
- Reduce racial and ethnic disparities among youth impacted by the juvenile justice system.
- Improve the efficiency and effectiveness of the state’s and counties’ juvenile justice systems.
- Increase accountability and transparency within the juvenile justice system.
- Better align practices with research and constitutional mandates.”

The task force issued its final report on July 18, 2022.<sup>3</sup>

Among its unanimous recommendations were that the state “Expand the Michigan Indigent Defense Commission (MIDC) to include development, oversight, and compliance with youth defense standards in local county defense systems”<sup>4</sup> and “Expand the State Appellate Defender Office to include appellate services for juveniles, which will include post-dispositional services.”<sup>5</sup> The bills would implement these recommendations.

<sup>1</sup> <https://www.legislature.mi.gov/documents/2021-2022/executiveorder/pdf/2021-EO-06.pdf>

<sup>2</sup> <https://micounties.org/wp-content/uploads/Michigan-Taskforce-on-Juvenile-Justice-Reform-Final-Report.pdf>

<sup>3</sup> <https://www.michigan.gov/whitmer/news/press-releases/2022/07/18/task-force-on-juvenile-justice-reform-approves-blueprint-for-transforming-juvenile-justice>

<sup>4</sup> See <https://michiganidc.gov/>

<sup>5</sup> See <https://www.sado.org/>

## FISCAL IMPACT:

**House Bill 4630** would lead to increased costs for the MIDC and for MIDC Grants, which are distributed to district and circuit court funding units to fund compliance with minimum indigent defense standards. Expanding indigent defense services to include services for youth defendants would necessitate additional funding for the grants, since the population of eligible defendants would increase. The MIDC indicated that youth caseloads are currently estimated to be about 2/3 of the adult caseload. Using this 2/3 figure and the FY 2023-24 MIDC Grant appropriation amount of \$220.9 million, the cost increase for MIDC Grants could be in the vicinity of \$145 million. The actual cost increase would depend on numerous factors, so this figure should only be viewed as a magnitude estimate. It should also be noted that MIDC Grants are funded almost entirely with general fund revenues.

The MIDC also estimates that an additional 6.0 FTE positions would be required to implement and administer the changes created by the bill. The positions would include one additional research analyst, one financial analyst, and four regional managers familiar with the youth defense system.

The bill would increase the local share for funding units of circuit and district courts, by including expenditures for indigent youth defense in the calculation. While this would not create any new costs for the funding units, it would increase the share that funding units would have to maintain in order to receive state grant funding for adult and youth indigent defense.

**House Bill 4631** would have an indeterminate fiscal impact on the state and on local units of government. Under the bill, the Appellate Defender Commission would be required to develop a system of appellate defense services for indigent youth. At this time, the estimated cost of expanding the role of the State Appellate Defender Office to include appellate defense for juvenile justice cases would be roughly \$560,000 on an annual basis. The office would need to hire at least 3.0 additional staff members and would be expected to cover costs of salary and benefit increases in the future.

Also, if an indigent defense system provides payment to locally appointed private counsel under provisions set forth in the bill, the state would be required to reimburse the system for half of the cost to the system. At this time, the estimated cost of reimbursement would be about \$3.2 million on an annual basis.

Funding for these proposals was included in the FY 2023-24 annual appropriations bill for Judiciary.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.