



# Indigent Defense Policies

## Background

The Legislature formally created the Michigan Indigent Defense Commission in 2013 to oversee and ensure the state's public defense system meets constitutional standards and provides adequate representation. Currently, the commission has 18 appointed members.

During this legislative term, Rep. Sarah Lightner (R-Jackson) and Sen. Sue Shink (D-Washtenaw) introduced identical bills aimed at expanding the MIDC to include the defense of indigent youth.

The proposed legislation would modify the funding disbursement schedule, shifting from the current system to four payments: the first would be 40 percent, followed by three subsequent payments of 20 percent each. The bill also proposes increasing the commission by one member with expertise in youth defense. Additionally, it would change the definition of indigency, giving the MIDC sole discretion in determining who qualifies.

## MAC's Efforts

- **Funding Parity:** MAC has expressed concerns about the funding imbalance between public defenders and prosecutors' offices. Many prosecutor offices struggle to match the pay scale offered to public defenders. MAC is advocating for increased funding for prosecutors to create a more equitable funding model.
- **Indigency Definition:** MAC is working with bill sponsors to tie the definition of indigency to the federal poverty guidelines, rather than leaving it solely to the discretion of the MIDC.
- **Disbursement Model:** MAC is pushing to maintain the current model through the MIDC to ensure continuity in the process and avoid disruption for counties.

## Key Insights

- Prosecutors are losing staff due to the higher pay offered in public defender offices.
- Each county's budget differs, so pay scales in both public defenders' and prosecutors' offices should reflect that diversity.
- The commission should not have sole authority in determining indigency.
- The disbursement model should remain unchanged to ensure consistency.