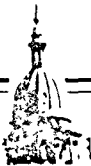


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BILL ANALYSIS

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Senate Bill 344 (as reported without amendment)**Sponsor: Senator Jack Welborn****Committee: Criminal Justice, Urban Affairs, and Economic Development****Date Completed: 10-13-87*****RATIONALE***

Public Act 177 of 1957 requires that a State prisoner be brought to trial within 180 days after notice of an untried warrant, indictment, information, or complaint against the prisoner. This "180-day rule" was enacted in order to avoid trial delays that would, in effect, subject the prisoner to consecutive sentences. Since sentences for crimes committed while incarcerated or during escape are required to be served consecutively to the prisoner's original sentence (MCL 768.7a), however, some people feel that the 180-day rule should not apply in those instances.

Legislative Analyst: P. Affholter

Fiscal Analyst: B. Burghardt

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

CONTENT

Senate Bill 344 would amend Public Act 177 of 1957 to specify that the Act's requirement of trial within 180 days after notice of an untried warrant, indictment, information, or complaint against a State prisoner, would not apply to a warrant, indictment, information, or complaint arising from an offense committed during incarceration or during an escape from incarceration.

MCL 780.131

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS***Supporting Argument***

By avoiding consecutive sentencing, the 180-day rule serves a useful purpose in ensuring that a convicted criminal's right to a speedy trial is observed and that the prisoner is not subjected to "cruel and unusual punishment". Sentences for crimes committed during periods of incarceration or escape, however, are required to be served consecutively. Prosecutors and judges should not be subjected to the constraint of complying with the 180-day rule in those cases, because, if convicted, the prisoner would be sentenced consecutively anyway.

Response: Although prisoners convicted of crimes committed while in prison or during escape may be sentenced consecutively, such persons retain the constitutional right to a speedy trial. Some mechanism to ensure that the prisoner's rights are upheld should be provided for in statute.

Supporting Argument

The bill would avoid the tragic consequence that can arise from the miscalculation of the 180-day period. In a recent instance of an assault on a corrections officer, the accused prisoner's trial date errantly was set beyond the 180-day limit and the charges subsequently were dropped. The bill would preclude a recurrence of such a mistake.

S.B. 344 (10-13-87)