

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

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**Senate Bill 345 (Substitute S-2 as reported)****Sponsor: Senator Doug Carl****Committee: Criminal Justice, Urban Affairs, and Economic Development**

Mich. State Law Library

**Date Completed: 10-27-87****RATIONALE**

Law enforcement agencies often are unaware of changes in a prisoner's incarceration status. There is no current requirement to notify police when a prisoner is transferred to a community placement facility. Reportedly, there have been instances when police have not pursued an individual who may have been suspected of criminal activity because they believed the individual already was incarcerated in a State prison. Some people contend that law enforcement agencies, both in the community from which the prisoner was sentenced and in the community to which the prisoner would be transferred, should be informed when a prisoner is transferred to a community placement facility.

transferred to a community placement facility. This information currently is not required to be made available on a routine basis. Requiring such notice would be a direct benefit to law enforcement agencies. It makes sense to inform those responsible for protecting the public that an individual, convicted of crimes and sentenced to prison, will be returned to the community.

**Opposing Argument**

The bill, as introduced, included a requirement that the notice also be sent to the prosecutors of the appropriate counties. Prosecutors and even judges likely would want to know when prisoners they have tried, or over whom they would have future jurisdiction, were placed into the community. A requirement to offer the notice to prosecutors should be included in the bill.

**Response:** It is much more efficient to send the notice via LEIN than through the mail. There are only four county prosecutors in the State who have access to LEIN, so sending the notice to prosecutors would have to be accomplished through the mail and would be much more costly and time-consuming. Besides, county sheriffs and local law enforcement agencies easily could pass on the information to their prosecutor once it was transmitted and received on LEIN. Further, prosecutors in small counties are much more likely to desire the notice and receive the information from their police department, while approximately 70% of the notifications would go to Wayne County, whose prosecutor would have less opportunity to make use of the notice. Notifying the pertinent law enforcement agencies would be sufficient.

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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 345 (S-2) would amend the Department of Corrections Act to require that, when a prisoner was transferred to a community placement facility, the Department of Corrections send notice of the transfer to the sheriff and the State Police post having jurisdiction over the county where the prisoner originally was sentenced. Also, the Department would have to send notice of the transfer to the local police department, the county sheriff, and the State Police post having jurisdiction over the community placement facility. The notice would have to be accomplished through the corrections management information system (CMIS) via the law enforcement information network (LEIN). The notice would have to include the prisoner's name, the name of the community placement facility, crimes for which the prisoner was serving sentence, and other information determined by the Department to be relevant.

The bill would apply to transfer of a prisoner to a community placement facility "of any kind", including a community corrections center, halfway house, or resident home.

The bill would take effect 270 days after its enactment.

Proposed MCL 791.265e

**FISCAL IMPACT**

The bill would have an indeterminate impact on State expenditures and no impact on local government. The State could experience an increase in expenditures as a result of the new reporting requirements and the impact that these new reports would have on the Department of Correction's clerical staffs' workload.

**ARGUMENTS****Supporting Argument**

The bill would establish an effective "warning system" to police that a potentially dangerous individual had been

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