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BILL ANALYSIS

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Senate Bill 915

Sponsor: Senator Jack Welborn

Committee: Criminal Justice, Urban Affairs, and Economic Development

Date Completed: 9-28-88

SUMMARY OF SENATE BILL 915 as introduced 6-7-88:

The bill would repeal Public Act 325 of 1982, which provides for the relief of a jail overcrowding emergency (i.e., when the general prisoner population of a county jail exceeds capacity for seven consecutive days) "through any available means...already within the scope of...legal authority". Such procedures include, but are not limited to, judicial review of bail, pre-trial diversion, use of work-release and community alternative programs, relocation of prisoners in other jails, acceleration of transfer of prisoners to the State prison system, and the use of community mental health and community substance abuse programs.

MCL 801.51-801.64

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would result in an indeterminate expenditure increase for the State and local government in FY 1988-89. The indeterminate increase for the State would be the result of two primary factors:

- The date the bill would take effect during FY 1988-89
- The increase in the number of prisoners sentenced to State prison with minimum terms of six months to 18 months. For FY 1988-89, the average prisoner will cost the State \$19,200.

Department of Corrections' statistics indicate that for the first four months of 1988, 576 more prisoners entered the State prison system. Prisoners with minimum sentences of six months to 18 months accounted for the entire increase. Continued jail overcrowding has resulted in a growing number of judges' sentencing individuals to State prison rather than to county jail. This trend has been particularly evident in Wayne County which has 24% of the State's population, but accounted for 62% of the State-wide increase in short-term sentences.

For local governments, the indeterminate expenditure increase in FY 1988-89 would be the result of three primary factors:

- The date the bill would take effect during FY 1988-89.
- A potential increase in litigation that would be brought against counties by federal and circuit court for jail overcrowding and

problems associated with jail overcrowding.

- Increased jail operating costs as a result of housing a larger number of prisoners within county jails than is currently possible as a result of the jail Emergency Powers Act (EPA) release procedures.

Since July 1, 1987, 24 counties have had to invoke all or part of the jail EPA a total of 51 times. During that time period, two of the State's larger counties have used the jail EPA five times. The primary impact of using the jail EPA is the early release of county jail prisoners. Counties would incur increased per diem prisoner housing costs as a result of not being able to release eligible prisoners when the county jail exceeds the jail EPA-imposed maximum capacity.

Fiscal Analyst: B. Burghardt

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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.