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BILL ANALYSIS

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Senate Bill 17 (as reported without amendment)

Sponsor: Senator Jack Welborn

Committee: Criminal Justice, Urban Affairs, and Economic Development

Date Completed: 1-30-89

RATIONALE

The Code of Criminal Procedure provides that persons who commit a crime punishable by imprisonment while incarcerated in, or during an escape from, a State penal institution are subject to a consecutive sentence for the subsequent crime. In addition, Public Act 48 of 1988 amended the Code to impose consecutive sentencing upon a person sentenced to imprisonment for a felony committed while he or she was on parole. A person who commits a crime while on probation and subsequently is sentenced to imprisonment, however, is not subject to either provision. Since probation is a sentence for a previous crime, some people believe that a person who commits a crime while on probation should be subject to a sentence that would have to be served after he or she served any remaining portion of the term of incarceration for the previous offense.

CONTENT

The bill would amend the Code of Criminal Procedure to provide that a term of imprisonment for a person convicted and sentenced for an offense committed while on probation for a previous offense could begin after the expiration of the remaining portion of the term of imprisonment imposed for the previous offense.

MCL 768.7a

FISCAL IMPACT

The bill would result in an indeterminate expenditure increase for the State in FY 1988-1989. The indeterminate increase would be the result of four primary factors:

- The date the bill would take effect during FY 1988-89.
- The number of individuals who would be affected by the bill.
- The length of sentence to be served by the person violating the current provisions of probation, and whether the sentencing judge required the sentence to be served concurrently with or consecutive to the sentence for the subsequent conviction.
- Based on the type of offense committed by the person while on probation, the length of sentence imposed by the sentencing judge.

The average annual cost of incarcerating a prisoner for FY 1988-89 is budgeted at \$19,200.

ARGUMENTS**Supporting Argument**

The bill would permit a judge to subject persons serving on probation to the same consecutive sentencing provision for a subsequent crime that is mandated for persons who commit crimes while incarcerated or on parole. By so doing, the bill would serve as a

deterrent to the commission of subsequent crimes by probationers.

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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.