

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 155 (as reported without amendment)

Sponsor: Senator Jack Welborn

Committee: Criminal Justice and Urban Affairs

Date Completed: 2-27-89

**RATIONALE**

Reportedly, the Department of Corrections (DOC) employs over 100 individuals, more than 70 of whom are corrections officers, who have records of felony convictions. Although the DOC already has set standards for hiring individuals with felony records, some people believe that the DOC has hired too many ex-felons, particularly as corrections officers. Consequently, they contend, the hiring of persons with felony records should be limited with very stringent conditions attached.

**CONTENT**

**The bill would amend the Department of Corrections Act to impose hiring restrictions on the DOC with regard to individuals who were convicted felons.**

Under the bill, the DOC could not hire or appoint a person who had been convicted of a felony or was subject to pending felony charges. The DOC Director could waive the prohibition, however, if both of the following conditions were met:

- The person's final release from incarceration, probation, or parole, whichever was later, occurred at least five years before the date on which he or she applied for the DOC position, and the applicant was not subject to pending felony charges.
- The Director conducted "an extensive and complete investigation" of the person's background, and determined that the employment was appropriate.

A written report, signed by the Director, would have to be made for every investigation that

resulted in a determination that employment or appointment was appropriate.

Proposed MCL 791.205a

**FISCAL IMPACT**

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

**ARGUMENTS****Supporting Argument**

Although the DOC reportedly requires a background check, letters of recommendation from community leaders, and the Director's approval before an individual with a felony record can be hired, the number of ex-felons employed by the Department is too high. In addition, the Department's hiring guidelines do not require an applicant with a felony record to be "off paper" (i.e., out from under the jurisdiction of the DOC or the courts) for a specific amount of time before he or she can be hired. The bill would impose specific restrictions on such hiring practices and thereby ensure that few, if any, undesirable applicants slipped through the hiring process.

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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.

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