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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 155 (as passed by the Senate)
Sponsor: Senator Jack Welborn
Committee: Criminal Justice and Urban Affairs

Date Completed: 3-29-89

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 and felons who committed certain heinous crimes should not be hired at all.

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.

A person convicted of any of the following felonies could never be employed by the DOC: first or second degree murder; assault with intent to commit murder or armed robbery; attempted murder; bribery or intimidation of jurors; first-degree criminal sexual conduct; armed robbery; or possession with intent to deliver, or the manufacture or delivery of Schedule 1 or 2 narcotics.

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

S.B. 155 (3-29-89)

specific amount of time before he or she can be hired, or preclude the most serious felony offenders from being 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.