



**House
Legislative
Analysis
Section**

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JAIL: "GOOD TIME"

House Bill 5032 with committee
amendment
First Analysis (11-30-93)

Sponsor: Rep. Allen Lowe
Committee: Corrections

THE APPARENT PROBLEM:

Public Act 210 of 1945, which deals with jail rules and regulations, says that a prisoner whose record shows no violations of jail rules is entitled to a good time reduction in his or her sentence of one day for each six days of sentence. What this formula does not specifically encourage, however, is for a prisoner to volunteer for community service or jail trustee work. Virtually every jail relies on inmate labor to keep the institution running, whether it be help in food preparation or custodial work; common, also, is the use of inmate labor in the upkeep of county facilities such as fairgrounds. In at least one county, inmates have been offered additional good time as an incentive to volunteer for community service at times when jail overcrowding threatened. However, the practice was discontinued due to lack of explicit statutory authority for it. While prisoners can be and evidently are resentenced to shorter sentences as a reward for volunteering for trustee work and community service, the process strikes many as unnecessarily cumbersome. What is needed, say many, are statutory amendments that would allow additional good time to be awarded to exemplary jail inmates who volunteered for community service or trustee labor.

THE CONTENT OF THE BILL:

The bill would amend Public Act 210 of 1945 to allow a jail inmate to receive an additional good time sentence reduction of one day for every two days of community service or work as a jail trustee. Such additional good time could be awarded only if the sheriff and the sentencing judge (or his or her successor) both approved, and both determined that the prisoner had not exhibited a pattern of violent behavior.

MCL 51.282

FISCAL IMPLICATIONS:

There is no fiscal information at present. (11-29-93)

ARGUMENTS:

For:

The bill would promote good criminal justice policy in a number of ways: it would enable authorities to better reward good behavior in jail, thus giving inmates a stronger incentive to behave well; it would encourage inmates to volunteer for community service and jail trustee work, thus improving public facilities and saving public money; and, it would give local authorities an additional tool to relieve temporary overcrowding problems. Most importantly, it would accomplish these things without endangering the public: prisoners with a violent background would be excluded from the additional good time to be authorized by the bill, using a standard adapted from the Community Corrections Act's criteria for community corrections placement.

Response:

The objectives of the bill can and could continue to be achieved through resentencing.

Against:

Many jail inmates, especially those likely to volunteer and qualify for community service and trustee work, are serving sentences for drunk driving. Allowing these inmates to serve shortened sentences would circumvent drunk driving laws and contradict recent policy decisions and statutory reforms to treat drunk driving as a serious criminal offense warranting stiff criminal sanctions.

Against:

The bill should do more to protect the public from violent criminals obtaining earlier releases through earning additional good time. For instance, the bill

could forbid additional good time from being awarded to anyone who had been convicted of any of certain specified violent crimes.

Response:

Such an approach would have a number of defects. To enumerate offenses that would disqualify an inmate from additional good time would be to risk including some that ought not to be included, or excluding others that merit inclusion. More to the point, such an approach would assume that a conviction for a particular offense was a reliable indicator of the kind of person the inmate is; however, plea bargaining or extenuating circumstances may cloud the matter. Better to do as the bill proposes and allow local authorities, who know the individual and the circumstances, to make the decision, with the proviso that violent criminals are not to be eligible for additional good time.

POSITIONS:

The Michigan Sheriffs Association supports the bill.
(11-18-93)

The Michigan Council on Crime and Delinquency supports the bill. (11-23-93)

Mothers Against Drunk Driving is reviewing the bill. (11-29-93)