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NO FELONS AS PRISON GUARDS

House Bill 4398 as enrolled
 Public Act 140 of 1996
 Second Analysis (10-10-96)

Sponsor: Rep. Sandra Hill
House Committee: Judiciary and Civil Rights
Senate Committee: Judiciary

THE APPARENT PROBLEM:

According to Department of Corrections' (DOC) estimates, there are currently 90 individuals with records of felony convictions employed in its facilities. Of these, 60 are corrections officers. Although the DOC currently requires a background check and the director's approval before an individual with a felony record can be hired, some people believe that the number of ex-felons employed by the department is too high, especially in the field of corrections officers. These persons believe that, in order to promote security in prisons, the department should be statutorily prohibited from hiring convicted felons.

THE CONTENT OF THE BILL:

House Bill 4398 would amend the Department of Corrections act (Public Act 232 of 1953) to generally forbid someone with a recent felony conviction from being employed by the Department of Corrections (DOC). The bill would not apply to a person employed by the department before the bill's effective date.

Ineligible Persons. As of the bill's effective date an individual with a felony record or facing felony charges could not be employed by the department. If records available to the DOC showed that an applicant for employment or appointment had been convicted of a felony or was subject to pending felony charges, the DOC would have to inform the applicant of that fact and of his or her resulting ineligibility for employment or appointment. At the applicant's request, the DOC would have to allow him or her to review the relevant portion of the records. If the applicant disputed the records' accuracy, the DOC would have to allow him or her a reasonable period of time to contact the responsible agency or agencies to correct any alleged inaccuracies. If the records, as corrected, would remove the applicant's ineligibility, the DOC would have to allow him or her to reapply for employment or appointment.

MCL 791.205a

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill has no significant fiscal implications for the state. (10-15-96)

ARGUMENTS:

For:

House Bill 4398 would specifically restrict the Department of Corrections' (DOC) practice of hiring felons, and would thereby ensure that the security of correctional facilities is not jeopardized. Although the department has already set standards for hiring individuals with felony records, some people are alarmed that the DOC has hired so many ex-felons, particularly as corrections officers. It is argued that prison life, with its built-in criminal connections, poses too many temptations for ex-prisoners.

Against:

Fears that ex-felons may cause problems when hired by the DOC may be groundless. According to testimony presented by the director of the Department of Corrections before the House Judiciary and Civil Rights Committee, the department's policy excludes ex-prisoners who have committed certain specified, generally violent, felonies -- including sexual assault and crimes involving drugs -- from department employment. Department policy also precludes an ex-felon from returning as an employee to the facility where he or she was once incarcerated. In any case, many believe that, once a prison sentence has been served, a prisoner has served his or her debt to society and therefore has the right to apply for any job that is available. The bill would violate the rights of these individuals.

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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