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BILL ANALYSIS



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Senate Bill 123 (as reported with amendment)
Sponsor: Senator Michael J. Bouchard
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to specify that, if a person were convicted and sentenced to a term of imprisonment for a felony committed while he or she was on probation for a previous felony conviction, the sentencing court could order that the term of imprisonment imposed for the subsequently committed felony be served consecutively to a term of imprisonment imposed upon revocation of the person's probation for the previous felony conviction.

Currently, the Code requires consecutive sentencing for a person who commits a crime while incarcerated or during a period of escape from a penal or reformatory institution, and for a person who commits a felony while on parole. The bill would retain these requirements.

The bill would take effect 120 days after the date of enactment.

MCL 768.7a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State and local government. To the extent that judges under the bill would impose consecutive sentences (rather than concurrent sentences) for probation violators more frequently, and that these consecutive sentences increased total sentence lengths, costs for incarceration could increase. For example, if under current law, an offender had been convicted of burglary, received a suspended two- to 10-year sentence and was placed on probation, and then commits a drug offense while on probation, the judge likely will sentence the individual to a term of imprisonment for the drug offense, for, as an example, three to five years. Under the bill, the judge could impose the three- to five-year drug sentence consecutive to the two- to 10-year sentence for the original burglary offense, making the total minimum sentence length under the bill five years rather than three as might be the case under current law.

There are too many unknown variables (such as average sentence lengths for original offenses, average sentence lengths for new offenses, number of probationers who commit new felonies while on probation, and how often judges might impose a consecutive sentence) to provide a quantifiable fiscal impact as a result of the changes proposed by the bill. As reference information, in 1993, there were approximately 1,500 new prison commitments for probation violators, and over 1,800 probation violator commitments in 1994. There are no reliable data, however, that could indicate how many of these offenders were admitted for a technical violation (failing to meet a condition(s) of probation) and how many were admitted for committing a new felony while on probation.

Date Completed: 5-3-95

Fiscal Analyst: M. Hansen

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