



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 4398 (Substitute H-1 as passed by the House)

Sponsor: Representative Sandra Hill

House Committee: Judiciary and Civil Rights

Senate Committee: Judiciary

Date Completed: 2-16-96

### **CONTENT**

**The bill would amend the Department of Corrections (DOC) law to impose hiring restrictions on the DOC with regard to individuals who were convicted felons or subject to pending felony charges.**

Beginning on the bill's effective date, the DOC could not employ 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.

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 the 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.

The bill would not apply to a person currently employed by or appointed to a position in the DOC before the bill's effective date.

Proposed MCL 791.205a

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate impact on State government and no impact on local government. In the event that the DOC Director would want to waive the proposed prohibition, there could be additional administrative costs incurred due to the extensive investigation of the individual's background and the report of that investigation.

Fiscal Analyst: M. Hansen

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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.