

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

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4093 (as reported without amendment)
Sponsor: Representative Candace Curtis
House Committee: Corrections
Senate Committee: Judiciary

Date Completed: 5-15-97

RATIONALE

Under the Department of Corrections (DOC) law, a prisoner who has been convicted of a crime of violence or any assaultive crime is eligible for "extensions of the limits of confinement" when his or her minimum sentence has less than 180 days remaining. Extensions of the limits of confinement include placement in a community corrections center or a community residential home. A community corrections center is a facility either contracted for or operated by the DOC in which a security staff is on duty seven days per week and 24 hours per day. A community residential home is a location where the Department provides continuous electronic monitoring of prisoner presence (i.e., tether), although the DOC may waive the monitoring requirement for a prisoner who is within three months of his or her parole date.

A situation involving the Flint community corrections center has raised concerns the placement of violent offenders on tether. Apparently, the Flint YMCA Corrections Center is the only corrections center in the State that has the ability to decline to accept prisoners from the DOC. If the corrections center rejects a particular prisoner, then, the DOC instead might place him or her at home on electronic tether, which generally is considered less secure than placement in a corrections center. To increase public protection, it has been suggested that electronic monitoring should not be allowed for the most violent offenders.

CONTENT

The bill would amend the DOC law to prohibit the placement of a prisoner in a community residential home during any portion of his or her sentence, if the prisoner had been convicted of a crime of violence or any assaultive crime and the minimum sentence imposed for the crime were 10 years or more. This would create an exception to the

current provision that a prisoner who has been convicted of a crime of violence or any assaultive crime, other than a prisoner subject to disciplinary time, is eligible for an extension of the limits of confinement when the minimum sentence imposed for his or her crime has less than 180 days remaining.

The law currently states that a prisoner subject to disciplinary time is not eligible for an extension of the limits of confinement until he or she has served the minimum sentence imposed for the crime plus any disciplinary time. The bill specifies that provisions regarding prisoners subject to disciplinary time would take effect beginning on the effective date of Public Act 217 of 1994, as prescribed in Enacting Section 2 of that Act. (Public Act 217 amended the DOC law to deny good time and disciplinary credits, which *reduce* a prisoner's sentence, to certain offenders, and subject them instead to disciplinary time, which will *increase* a prisoner's minimum sentence. Public Act 217 has not taken effect, however, because Enacting Section 2 specifies that the Act will take effect on the date that sentencing guidelines are enacted into law after the Michigan Sentencing Commission submits its report to the Legislature, pursuant to Public Act 445 of 1994. Sentencing guidelines have not yet been enacted, and the Commission's report has not yet been submitted to the Legislature.)

MCL 791.265a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would prevent the most violent or

assaultive offenders from being released into homes in the community on electronic tether. Because the Flint corrections center is able to reject prisoners, some nonviolent offenders evidently have been placed in the corrections center, with continuous direct supervision, while prisoners convicted of violent crimes were placed on tether, without direct monitoring by security staff. It seems clear that a prisoner who is subject to electronic monitoring, rather than individual supervision, has greater opportunities to escape as well as increased exposure to the public. Although the situation in Flint is unique, and tether is being used for only a handful of assaultive offenders whose minimum sentence is 10 years or more, the bill could increase public safety throughout the State. Every person who was sentenced to at least 10 years for a crime of violence or assault would have to remain in confinement or be placed in a corrections center with around-the-clock supervision. In Genesee County, if such a prisoner were not accepted at the Flint corrections center, he or she could be placed in another county's corrections center or kept in secure confinement, but could not be sent home on tether.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would likely increase costs for the Department of Corrections.

To the extent that offenders who are currently placed on electronic monitoring (tether) and who under the bill would instead need to be placed in a secure confinement, the bill would result in increased costs associated with the difference between the costs of tether and the costs of other secure confinement for those prisoners.

According to the Department of Corrections, there were 777 prisoners on tether on November 18, 1996. Of those, 127 were serving sentences for assaultive crimes, 15 of whom were sentenced to a minimum term of 10 years or more. Given that tether costs are approximately \$6.50 per day, compared with approximately \$45.00 per day for either corrections center or other lower security confinement, and assuming that at any given time there would be 15 prisoners in corrections centers or other minimum security confinement who otherwise would be placed on tether, annual costs would increase by approximately \$200,000.

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.