
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4093 (as passed by the House)
Sponsor: Representative Candace Curtis
House Committee: Corrections
Senate Committee: Judiciary

Date Completed: 5-13-97

CONTENT

The bill would amend the Department of Corrections (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. The bill also specifies that provisions regarding prisoners subject to disciplinary time, in the section of the DOC law that deals with extensions of the limits of confinement, would take effect beginning on the effective date of Public Act 217 of 1994, as prescribed in Enacting Section 2 of that Act.

Currently, 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 (which includes housing in a “community corrections center” or a “community residential home”) when the minimum sentence imposed for his or her crime has less than 180 days remaining. (This provision would be subject to the bill's provision.) 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.

“Community residential home” means a facility where electronic monitoring of prisoner presence is provided by the DOC seven days per week and 24 hours per day, except that the DOC may waive the requirement that electronic monitoring be provided with respect to any prisoner who is within three months of his or her parole date. The bill would change “facility” to “location” in that definition. “Community corrections center” means a facility either contracted for or operated by the DOC in which a security staff is on duty seven day per week and 24 hours per day.

(Public Act 217 of 1994 amended the DOC law to revise parole provisions by denying good time and disciplinary credits, which *reduce* a prisoner’s sentence, to certain offenders; those offenders, instead, will be subject 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
FISCAL IMPACT

Legislative Analyst: P. Affholter

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.