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## REVISE JAIL CELL SPACE REQUIREMENTS

House Bill 4784 as introduced  
First Analysis (3-22-00)

Sponsor: Rep. Jason Allen  
Committee: Criminal Law and Corrections

### ***THE APPARENT PROBLEM:***

Jail overcrowding is a problem faced by many communities. Under state law (the corrections code) housing 2 inmates in one jail cell that was intended for one inmate is only allowed where the cell has at least 65 square feet of floor area and there is unrestricted access to a day area available for the general inmate population for at least 14 hours per day that contains at least 20 additional square feet of space per inmate. However, not more than seventy-five percent of the total inmate population of the jail may be housed two persons to a cell. One community, Grand Traverse County, has requested that the limit on the cell size for housing two inmates in a cell ("double bunking") be modified under certain circumstances.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Department of Corrections act to allow a smaller cell for inmates involved in certain day parole programs. Currently, the DOC act prohibits housing two inmates in a single county jail cell designed for single occupancy unless that cell is at least 65 square feet in area and provides unrestricted access to a day area available for the general inmate population. Under the bill, a cell of at least 55 square feet in area could be used if both of the inmates placed in it participated in a day parole program for no less than 32 hours per week.

MCL 791.262b

### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

### ***ARGUMENTS:***

#### ***For:***

The bill will help alleviate jail overcrowding by allowing county jails to double-bunk those prisoners who spend their days on work release rather than in their cells in smaller cells. The Department of

Corrections has indicated that this change will only affect a handful of counties, including Grand Traverse. In order to take advantage of the change, a jail would have to have number of prisoners involved in a day parole program for at least 32 hours a week and available cells that meet the bill's specifications.

The prisoners who would be placed in these smaller cells would not be required to spend their entire day in the cell; only those prisoners who spent at least 32 hours a week on work release could be placed in such a cell. These prisoners generally are only in their cells for limited periods - mostly nighttime hours during which they are supposed to be sleeping, thus minimizing the impact of the slightly smaller cell.

#### ***Against:***

The bill would continue the worsening of prison and jail conditions. The fact that only a limited number of inmates will be affected does little to improve the reduction in space.

### ***POSITIONS:***

Representatives from the Grand Traverse County Sheriff's Office, Grand Traverse County, and the Grand Traverse County Board of Commissioners testified in support of the bill. (3-21-00)

Analyst: W. Flory

■ 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.