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## REVISE JAIL CELL SPACE REQUIREMENTS AND ESTABLISH AGE-BASED PLACEMENT POLICY

**House Bill 4784 as enrolled**  
**Public Act 211 of 2000**  
**Second Analysis (7-10-00)**

**Sponsor: Rep. Jason Allen**  
**House Committee: Criminal Law and**  
**Corrections**  
**Senate Committee: Judiciary**

### ***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.

In another matter, the state has recently enacted laws to allow for youthful offenders under the age of 15 to be tried and punished as adults and has contracted with a private vendor to operate a youth correctional facility (the Michigan Youth Correctional Facility in Baldwin, Michigan) that houses offenders who are 19 years old or younger, the Department of Corrections has no policy to require that the younger prisoners within that facility be separated from the older prisoners. Unfortunately, this lack of a policy for segregating prisoners increases the risk of predatory behavior by older inmates against younger inmates. Many feel that younger prisoners should be separated from older prisoners in order to protect against such incidents, and suggest that changes to the Department of Corrections act are needed to make certain that such segregation occurs.

### ***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.

In addition, the bill would amend provisions regarding the placement of juvenile prisoners within a privately operated youth correctional facility. The department would be required to house all male prisoners who are 16 years old or younger at that youth correctional facility unless the department determined that the prisoner should be housed at a different facility due to security, safety, or the specialized physical or mental health care needs of the prisoner. Generally, prisoners in a youth correctional facility who were 16 years old or younger would have to be placed in a general population housing unit with other prisoners in the same age group. These prisoners would not be allowed in the proximity of any prisoners who were 17 years old or older without the "immediate presence and direct supervision of the custody personnel in the immediate vicinity." However, a prisoner who reached the age of 17 and had a satisfactory prison record could remain in a general population housing unit for up to one year with prisoners who were 16 years old or younger.

MCL 791.220g and 791.262b

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

Fiscal information is not available.

House Bill 4784 (7-10-00)

**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.

***For:***

The bill will help to clarify a placement problem that has been made apparent since the enactment of laws in 1996 that allow offenders of any age to be sent to prison. Prior to the enactment of these laws, children under the age of 15 could not be sent to prison. Although the Michigan Youth Correctional Facility only houses offenders who are 19 years old or younger, recent events have illuminated the risks faced by younger prisoners from older ones - even within a facility that houses only offenders who are under the age of 20. It is clear that in order to prevent younger youthful offenders from being victimized by older prisoners, rules must be established that will segregate older prisoners from younger ones. The bill will fill this void in the current law and protect against further incidents of abuse.

Analyst: W. Flory

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■ 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.