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House Bill 4238 (Substitute S-4 as reported by the Committee of the Whole)

House Bill 4239 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative Tony Stamas

House Committee: Criminal Law and Corrections

Senate Committee: Judiciary

## **CONTENT**

House Bills 4238 (S-4) and 4239 (S-2) would amend the Code of Criminal Procedure and the Department of Corrections (DOC) law, respectively, to do the following:

- Require that a judgment of sentence committing a person to the DOC's jurisdiction specify whether the sentence was to run consecutively to or concurrently with any other sentence the defendant was or would be serving, as provided by law.
- Require the court, upon sentencing, to provide a copy of the judgment of sentence to the prosecuting attorney, the defendant, and the defendant's counsel.
- Allow the prosecuting attorney or defendant to file an objection to the judgment of sentence and require the court promptly to hold a hearing on the objection.
- Require the DOC to compute the length of a prisoner's sentence, for use by the Bureau of Correctional Facilities' classification committee, based upon a certified copy of the judgment of sentence delivered with the prisoner.
- Provide that, if a sentence did not specify whether it was to be served consecutively or concurrently, the sentence would have to be served concurrently unless the conviction was for escape, felony-firearm, or a prisoner taking a hostage.
- Require the DOC to notify the sentencing judge, prosecuting attorney, and prisoner within three days if the judgment of sentence did not specify concurrent or consecutive sentences and the sentence were computed under the bill.
- Require the DOC to recompute a sentence accordingly if it received an amended judgment of sentence specifying that a sentence be computed in a different manner.

The bills are tie-barred and would take effect on October 1, 2000.

MCL 769.1e et al. (H.B. 4238)  
791.264 (H.B. 4239)

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. According to the DOC, each year on average 200 letters are sent to judges to determine whether a sentence should be served consecutively or concurrently. In 1999, 8,811 prisoners were committed to State prisons with new sentences. Assuming that 1999 intake is typical and that the annual average is applied to 1999, then 2.3% of all intake requires letters to be sent. To the extent that most prisoners are received by the DOC with a judgment of sentence indicating whether two sentences are to be served consecutively or concurrently, there would be no change in costs. Given that some offenders arrive at a correctional facility without the information needed to calculate the minimum release date and the DOC must correspond with the sentencing court to obtain the information, costs for the DOC would decrease.

Date Completed: 5-18-00

Fiscal Analyst: K. Firestone

[floor/hb4238](#)

Analysis available @ <http://www.michiganlegislature.org>

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.