

# HOUSE BILL No. 6246

September 29, 2004, Introduced by Reps. Brandenburg, Wojno, Bieda, Acciavatti and  
Pumford and referred to the Committee on Criminal Justice.

A bill to amend 1982 PA 325, entitled

"An act to authorize county sheriffs to declare a county jail  
overcrowding state of emergency; to prescribe the powers and  
duties of certain judges, county sheriffs, and other county  
officials; and to provide remedies for a county jail overcrowding  
state of emergency,"

by amending section 5 (MCL 801.55).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5. The sheriff, the persons notified pursuant to  
2 section 4, and other circuit, district, **and** municipal ~~—, and~~  
3 ~~recorder's~~ court judges may attempt to reduce the prisoner  
4 population of the county jail through any available means ~~—which~~  
5 **that** are already within the scope of their individual and  
6 collective legal authority, including, but not limited to, the  
7 following:

8           (a) Judicial review of bail for possible bail reduction,  
9 release on recognizance, or conditional release of prisoners in

1 the county jail.

2 (b) Prosecutorial pre-trial diversion.

3 (c) Judicial use of probation, fines, community service  
4 orders, restitution, and delayed sentencing as alternatives to  
5 commitment to jail.

6 (d) Use of work-release, community programs, **the housing of**  
7 **prisoners in previously unutilized open space within the jail,**  
8 and other alternative housing arrangements by the sheriff, if the  
9 programs and alternative housing arrangements are authorized by  
10 law.

11 (e) Review of agreements which allow other units of  
12 government to house their prisoners in the overcrowded county  
13 jail to determine whether the agreements may be terminated.

14 (f) Entering into agreements which allow the sheriff for the  
15 county in which the overcrowded county jail is located to house  
16 prisoners in facilities operated by other units of government.

17 (g) Refusal by the sheriff to house persons who are not  
18 required by law to be housed in the county jail.

19 (h) Acceleration of the transfer of prisoners sentenced to  
20 the state prison system, and prisoners otherwise under the  
21 jurisdiction of the department of corrections, to the department  
22 of corrections.

23 (i) Judicial acceleration of pending court proceedings for  
24 prisoners under the jurisdiction of the department of corrections  
25 who will be returned to the department of corrections regardless  
26 of the outcome of the pending proceedings.

27 (j) Reduction of waiting time for prisoners awaiting

1 examination by the center for forensic psychiatry.

2 (k) Alternative booking, processing, and housing  
3 arrangements, including the use of appearance tickets instead of  
4 booking at the county jail and the use of weekend arraignment,  
5 for categories of cases considered appropriate by the persons  
6 notified pursuant to section 4.

7 (l) Acceptance by the courts of credit cards for payments of  
8 bonds, fines, and court costs.

9 (m) Use of community mental health and private mental health  
10 resources in the county as alternatives to housing prisoners in  
11 the county jail for those prisoners who qualify for placement in  
12 the programs and for whom placement in the programs is  
13 appropriate.

14 (n) Use of community and private substance abuse programs and  
15 other therapeutic programs as alternatives to housing prisoners  
16 in the county jail for those prisoners who qualify for placement  
17 in the programs and for whom placement in the programs is  
18 appropriate.

19 (o) Preparation of a long-range plan for addressing the  
20 county jail overcrowding problem, including recommendations to  
21 the county board of commissioners on construction of new jail  
22 facilities and funding for construction or other options designed  
23 to alleviate the overcrowding problem.

24 (p) Review of sentencing procedures, including the  
25 elimination of delays in preparing presentence reports for  
26 prisoners awaiting sentence, and staggering the dates on which  
27 prisoners will start serving a jail sentence to minimize

1 fluctuating demands on jail capacity.