



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1122 (Substitute S-1 as reported)
Sponsor: Senator Alan Sanborn
Committee: Judiciary

CONTENT

The bill would amend the Corrections Code to specify that, if a parolee convicted of first- or second-degree criminal sexual conduct (CSC), other than a parolee subject to lifetime electronic monitoring under Section 85 of the Code, were placed on parole, the parole board could require that the parolee be subject to electronic monitoring. The electronic monitoring would have to be conducted in the same manner, and be subject to the same requirements, as described in Section 85 and in Section 520n of the Michigan Penal Code, except that the electronic monitoring would have to continue only for the duration of the term of parole and a violation by the parolee of any of the requirements specified in Section 520n would be a violation of a condition of parole, not a felony violation. The bill is tied to House Bills 5531 and 5532.

(Section 520n of the Michigan Penal Code is proposed by House Bill 5531 (H-3). Under that bill, a person convicted of first- or second-degree CSC when he or she was at least 17 years old and the victim was under 13 would have to be sentenced to lifetime electronic monitoring as provided under Section 85 of the Corrections Code. A person sentenced under Section 520n would be guilty of a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000 if he or she intentionally removed, defaced, altered, destroyed, or failed to maintain the electronic monitoring device in working order; failed to notify the Department of Corrections (DOC) that the electronic monitoring device was damaged; or failed to reimburse the DOC or its agent for the cost of the monitoring.

Section 85 of the Corrections Code is proposed by House Bill 5532 (H-1). That bill would establish a lifetime electronic monitoring program in the DOC for those sentenced under House Bill 5531 (H-3). The bill would define "electronic monitoring" as a device by which, through global positioning satellite or other means, an individual's movement and location are tracked and recorded.)

MCL 791.236

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State government. Table 1 shows the number of offenders who would be affected by the bill. The number of eligible offenders would diminish as offenders subject to proposed Section 520n of the Penal Code were sentenced to lifetime electronic monitoring. If paroled, an offender convicted of first- or second-degree criminal sexual conduct serves a parole term of at least two years, unless the time remaining to be served on the maximum sentence is less than two years. The Department of Corrections would incur the cost of implementing the monitoring program, the cost of the global positioning device or other device, and personnel costs. The device and personnel costs would be approximately \$19 per diem, assuming a caseload of 20 parolees per officer and more than 50 participants. The cost of one parole officer, including salary, insurance, and retirement costs, is approximately \$76,700 per year. It is unclear

how much parolees would be required to reimburse the DOC for participation in the electronic monitoring program. Offenders on the current electronic monitoring system, which does not use a global positioning system (GPS), are required to reimburse the DOC at a rate determined by the Deputy Director of Field Operations Administration. Offenders are required to pay a maximum of 50% of their income and unemployed offenders must perform community service as an alternative to payment. In 2004, the reimbursement charge was \$4.53 per diem and an average of 2,284 offenders were in the program during the course of the year. The DOC collected \$2,485,892 that year and spent \$1,290,180 above its reimbursements. To the extent that parolees followed the condition of parole as outlined in proposed Section 520n that would require reimbursement to the DOC for the cost of the electronic monitoring, the DOC would be reimbursed for the costs of operating the program. To the extent that electronic monitoring as outlined in proposed Section 85 of the Corrections Code resulted in increased violations of parole conditions, the DOC would incur increased corrections costs.

Table 1

Active Sentence as of August 2005	Prison	Parole
Total, 1st & 2nd Degree Criminal Sexual Conduct	10,823	740
Victim under 13	5,195	364
Multiple Variables (could include victim under 13)	3,388	203

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Fiscal Analyst: Lindsay Hollander

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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.