



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bills 5999 and 6000 (as passed by the House)
Sponsor: Representative Paul Condino
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 12-4-06

CONTENT

House Bills 5999 and 6000 would amend Public Act 17 of 1909, which prohibits or limits access to certain items by prisoners and corrections employees, and the Code of Criminal Procedure, respectively, to prohibit a person from furnishing a wireless communication device to a prisoner, and add the offense to the sentencing guidelines.

House Bill 6000 is tie-barred to House Bill 5999.

House Bill 5999

The bill would prohibit a person from selling, giving, or furnishing or aiding in the selling, giving, or furnishing of a cellular telephone or other wireless communication device to a prisoner in a correctional facility. The bill also would prohibit a person from disposing of a cellular telephone or other wireless communication device in or on the grounds of a correctional facility.

Under the Act, "correctional facility" means any of the following:

- A State prison, reformatory, work camp, or community corrections center.
- A youth correctional facility operated by the Department of Corrections (DOC) or a private vendor under the Corrections Code.
- A privately operated community corrections center or resident home that houses prisoners committed to the DOC's jurisdiction.
- The land on which a facility described above is located.

A violation of the Act is a felony punishable by up to five years' imprisonment, a maximum fine of \$1,000, or both.

House Bill 6000

The bill would include in the sentencing guidelines the violation proposed by House Bill 5999. Furnishing a cell phone to a prisoner would be a Class E felony against the public safety, with a statutory maximum sentence of five years' imprisonment.

Proposed MCL 800.283a (H.B. 5999)
MCL 777.17g (H.B. 6000)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. Wireless communication devices are currently contraband in correctional facilities. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. To the extent that the bills would result in increased incarceration time, local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$31,000. Additional penal fine revenue would benefit public libraries.

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.