

HOUSE BILL No. 4464

March 8, 2005, Introduced by Reps. Brandenburg, Bieda, Acciavatti and Wojno and referred to the Committee on Judiciary.

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

7 (a) Judicial review of bail for possible bail reduction,

1 release on recognizance, or conditional release of prisoners in the
2 county jail.

3 (b) Prosecutorial pre-trial diversion.

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

7 (d) Use of work-release, community programs, **THE HOUSING OF**
8 **PRISONERS IN PREVIOUSLY UNUTILIZED OPEN SPACE WITHIN THE JAIL**, and
9 other alternative housing arrangements by the sheriff, if the
10 programs and alternative housing arrangements are authorized by
11 law.

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

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

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

20 (h) Acceleration of the transfer of prisoners sentenced to the
21 state prison system, and prisoners otherwise under the jurisdiction
22 of the department of corrections, to the department 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 of
26 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 arrangements,
3 including the use of appearance tickets instead of booking at the
4 county jail and the use of weekend arraignment, for categories of
5 cases considered appropriate by the persons notified pursuant to
6 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 the
11 county jail for those prisoners who qualify for placement in the
12 programs and for whom placement in the programs is appropriate.

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

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

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