

Legislative Analysis



PRISONER BOOT CAMP: REVISE ELIGIBILITY

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House Bills 4184 and 4272

Sponsor: Rep. Paul Condino

Committee: Judiciary

Complete to 3-20-07

A SUMMARY OF HOUSE BILL 4184 AS INTRODUCED 1-31-07 AND HOUSE BILL 4272 AS INTRODUCED 2-14-07

The bills would amend two different acts to allow a prisoner serving a second sentence to be eligible for placement in the Special Alternative Incarceration Program (SAI), or boot camp. The bills would also allow a prisoner who previously had been in the SAI to be placed a second time.

House Bill 4184 would amend the Corrections Code (MCL 791.234a) to revise the eligibility criteria for placement in the Special Alternative Incarceration Program (SAI) to allow a prisoner serving his or her first or second prison sentence to be eligible.

In order to be eligible for placement in the SAI, the code currently requires that a prisoner never have been previously placed in an SAI unit as either a prisoner or probationer; an exception is made for a person removed for medical reasons. The bill would eliminate this provision. A person removed due to medical reasons could still be replaced in an SAI unit under other provisions in the code.

In addition, the bill would replace references to the Crime Victim's Rights Act with the "William Van Regenmorter Crime Victim's Rights Act" to reflect the change in name of that act and would also delete from the list of offenses for which an offender is not eligible for placement in the SAI two crimes involving railroad trains that were previously repealed by Public Acts 290 and 291 of 2002.

House Bill 4272 would amend Chapter XI the Code of Criminal Procedure (MCL 771.3b), which applies to probationers, to delete a provision that currently specifies that a person not be incarcerated in an SAI unit more than once. To be eligible for placement in the SAI, the code currently requires that the person had never served a sentence of imprisonment in a state correctional facility; this provision would also be deleted.

FISCAL IMPACT:

HB 4184 (Prisoners)

The FY 2006-07 budget for the Department of Corrections (MDOC) assumes enactment of legislation to extend boot camp eligibility to offenders who had once previously been in prison. In a request submitted February 8, 2007 for FY 2006-07 supplemental

appropriations, the Department of Management and Budget noted that "should the legislature fail to enact proposed boot camp placement changes that were agreed to as part of the original FY 2007 budget, the projected unfunded bed liability will increase by \$4 million."

In Spring 2006, the Department of Corrections estimated that if boot camp eligibility were extended to prisoners who had once previously been in prison, about 400 prisoners might immediately be placed in special alternative incarceration (SAI, or boot camp), and about 80 additional prisoners in annual intake might be placed in boot camp. These figures were based on assumptions that in about two-thirds of the cases, the sentence would contain no prohibition against SAI placement, and that 98 percent of the resulting pool of eligible prisoners would volunteer for boot camp.

Available data do not indicate how many offenders might be affected by provisions that would extend boot camp eligibility to prisoners who had previously been placed in boot camp.

HB 4272 (Probationers)

Available data do not indicate how many additional probationers might be sentenced to boot camp under the bill. To the extent that offenders who otherwise would have been sentenced to prison were instead sentenced to and successfully completed boot camp, HB 4272 could reduce costs that MDOC otherwise would incur for those offenders.

According to the Department of Corrections, appropriated costs per offender of boot camp and Level I incarceration are as follows:

FY 2006-07 Appropriated Costs per Offender				
	Boot Camp ¹		Level I	
	Gross	GF/GP	Gross	GF/GP
Per Diem	\$77.41	\$76.38	\$61.29	\$60.54
Per 90 days ²	\$6,967	\$6,874	n/a	n/a
Annually	n/a	n/a	\$22,370	\$22,097
<u>Notes:</u>				
1. These figures do not include subsequent costs of residential placement or continued parole or probation supervision				
2. The boot camp program typically runs 90 days, but may be extended to up to 120 days due to medical reasons or if the department determines that the offender has not made adequate progress				

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.