

COUNTY JAIL OVERCROWDING: MODIFICATION OF BOND FOR UNSENTENCED PRISONERS

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House Bill 5987

Sponsor: Rep. Richard Hammel

Committee: Judiciary

Complete to 5-20-08

A SUMMARY OF HOUSE BILL 5987 AS INTRODUCED 4-15-08

Public Acts 139 and 140 of 2007 amended the Jail Overcrowding Emergency Powers Act to create more flexibility in the way in which counties deal with overcrowded jails. Public Act 139 allowed a county or judicial circuit to adopt and implement a written county jail population management plan for the purpose of reducing or preventing chronic jail overcrowding.

If a written plan was not implemented, the changes to the act made by Public Act 140 allowed, when the jail population exceeded 85 percent for the fifth consecutive day, the sheriff to review and modify the outstanding bonds of prisoners and release them on a personal recognizance bond (subject to the approval of the chief circuit judge) and also to release any sentenced prisoner who did not pose a threat to public safety who had served 85 percent or more of his or her sentence and those detained for failure to pay child support. Violent offenders and those convicted of weapons offenses, sex offenders, drunk drivers, prison or jail escapees, and most controlled substance offenders are not eligible for early release under the act. Public Act 140 also allowed for the accelerated review and rescheduling of court dates as a means to reduce overcrowding.

House Bill 5987 would further amend the Jail Overcrowding Emergency Powers Act. Currently, if the mechanisms in the act to reduce jail overcrowding do not reduce the jail population to levels prescribed in statute within 14 days of the declaration of the county jail overcrowding state of emergency, the sheriff must present to the chief circuit judge of that county certain information for each prisoner sentenced to and housed in that jail. A prisoner's sentence is then reduced based on a formula prescribed in the act if he or she does not pose a threat to public safety.

The bill would require the sheriff to also report to the judge information on all prisoners housed in the jail who are not serving a sentence of imprisonment for conviction of a crime. The information would have to include the prisoner's name, his or her offense, the amount of his or her bond, the date he or she began the period of detention, and the name of the judge who ordered the prisoner to be detained.

The judge would have to review the list of these unsentenced prisoners and determine for each prisoner whether or not the release of that prisoner would present a high risk to

public safety. The judge could modify the prisoner's bond subject to any conditions reasonably necessary to ensure the appearance of the individual in court.

Further, the bill would delete an obsolete provision in the act pertaining to a report made to the Legislature in the late 1980s.

MCL 801.56

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Marilyn Peterson

■ 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.