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House Bills 4184 and 4272 (as passed by the House)  
Sponsor: Representative Paul Condino  
House Committee: Judiciary  
Senate Committee: Judiciary

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### **CONTENT**

**House Bills 4184 and 4272 would amend the Corrections Code and the Code of Criminal Procedure, respectively, to delete provisions under which a person may not be placed in a special alternative incarceration unit (boot camp) if he or she has ever served a sentence in a boot camp or has ever served a sentence of imprisonment in a State correctional facility.**

The bills are described in detail below.

#### **House Bill 4184**

Under the Corrections Code, a prisoner sentenced to an indeterminate term of imprisonment under the jurisdiction of the Department of Corrections must be considered by the Department for placement in a boot camp established under the Special Alternative Incarceration Act, if the prisoner meets the Code's eligibility requirements. These include a requirement that the prisoner has never previously been placed in a boot camp as either a prisoner or a probationer, unless he or she was removed from a boot camp for medical reasons. The bill would delete that requirement.

Also, the Code allows a prisoner to be placed in a boot camp only if the prisoner is serving his or her first prison sentence. Under the bill, a prisoner who was serving his or her first or second prison sentence could be placed in a boot camp.

#### **House Bill 4272**

Under the Code of Criminal Procedure, in addition to any other terms or conditions of probation, the court may require a person convicted of a crime for which a sentence in a State correctional facility may be imposed to complete satisfactorily a program of incarceration in a boot camp and a period of at least 120 days' probation under intensive supervision. The Code specifies requirements that a person must meet to be placed in a boot camp program. These include a requirement that the person has never served a sentence of imprisonment in a State correctional facility. The bill would delete that requirement.

In addition, the Code specifies that, except for a person returned to the sentencing court from a boot camp because of a medical condition existing at the time of the placement, a person may not be incarcerated in a boot camp more than once. The bill would delete that limitation.

## **FISCAL IMPACT**

The bills likely would result in a cost avoidance of approximately \$4.0 million and prison bed savings of approximately 400 beds. Since special alternative incarceration (SAI) is a 90-day program (which can be extended to 120 days), it reduces the number of days an offender is incarcerated, thus saving bed space. The bills would not save the State money, as savings for expanding SAI eligibility already were included in the Michigan Department of Corrections (MDOC) appropriations for both FY 2006-07 and FY 2007-08. In FY 2006-07, supplemental appropriations were required in part due to the fact that savings had been assumed for this measure before its enactment. The savings also are assumed in Senate Bill 1095 (S-1 as passed by the Senate), the Senate version of the FY 2008-09 appropriations.

Of the approximately 10,800 B prefix prisoners (those who have been sentenced to prison before), 650 would be eligible for SAI based on the factors of their offense, according to the MDOC, if House Bill 4184 were enacted. After removing from the list prisoners who do not volunteer for the program or whose judges object to their placement in the program, the MDOC estimates that approximately 400 prisoners would enter SAI. After this first group of current B prefix prisoners, the MDOC estimates that 80 additional prisoners per year would be placed in SAI.

There are no data to indicate the number of additional probationers who would be sentenced to SAI under House Bill 4272. To the extent that offenders who otherwise would be sentenced to prison instead were sentenced to and completed SAI, the bill would decrease costs of incarceration. To the extent that offenders who otherwise would be sentenced to probation without SAI instead were sentenced to SAI, the bill would increase costs to the MDOC. Costs for prison, SAI, and probation are shown in Table 1, below.

Table 1

**FY 2007-08 Gross Appropriated Costs per Offender**

	SAI* <sup>+</sup>	Level I Prison <sup>+</sup>	Probation Supervision
Per Diem	\$81.07	\$50.36	\$5.55
90 Days	\$7,296	n/a	\$499.50
Annually	n/a	\$18,381	\$2,025

<sup>+</sup>Does not include academic/vocational programming, health care, mental health care, or central administration.

\*Does not include the cost of Phase III of the SAI program, which includes residential placement and parole or probation supervision.

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