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BILL ANALYSIS

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House Bill 4234 (Substitute H-1 as reported without amendment)

Sponsor: Representative Lorence Wenke

House Committee: Regulatory Reform

Senate Committee: Judiciary

CONTENT

The bill would amend the jail overcrowding emergency powers Act to allow 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. A plan would have to provide for the delegation of judicial sentencing authority for the purpose of reducing prior valid jail sentences and for the delegation of judicial authority for the purpose of reviewing bonds for unsentenced prisoners. For purposes of the Act, a sentencing judge could suspend or reduce any validly imposed jail sentence imposed by that judge, and a judge could modify bond set by the court for unsentenced prisoners. A sentencing judge could delegate this authority to the chief judge of the judicial district or circuit in which the sentencing judge served or the chief judge's designee.

A plan could not take effect unless it were approved by all of the following:

- The sheriff of each affected county.
- The prosecuting attorney of each affected county.
- The chief circuit judge of the judicial circuit or, in the case of a county plan, the chief circuit judge of the judicial circuit that included that county.
- If the plan affected a single-county or multicounty judicial district, the chief district judge for that judicial district; or, in all other cases, a district judge chosen by the chief district judges of all judicial districts affected by the plan.

A plan could be amended if the amendments were approved by all of the parties listed above. A plan would be effective for the term prescribed in it, but not longer than four years. The amendment of a plan would not extend the four-year limit.

Proposed MCL 801.59a & 801.59b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bills 4234 (H-1) and 4725 (S-2) would have an indeterminate fiscal impact on local government. If inmate populations were reduced gradually over the course of a management plan or when a jail exceeded 95% of rated design capacity, instead of only when the jail exceeded 100% capacity, counties could have fewer jail bed days. To the extent that the bills allowed jails to maintain lower inmate populations for a longer time, local governments would incur decreased costs of incarceration, which vary by county. To the extent that changing the offenses that are eligible for deferred acceptance into the jail would increase or decrease the jail population, local governments would incur higher or lower incarceration costs.

Date Completed: 10-17-07

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Analysis available @ <http://www.michiganlegislature.org>

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