



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 4725 (Substitute S-2 as reported)
Sponsor: Representative Paul Condino
House Committee: Regulatory Reform
Senate Committee: Judiciary

CONTENT

The bill would amend the jail overcrowding emergency powers Act to revise procedures for release of prisoners in a jail overcrowding emergency.

Under the bill, in a county other than one for which a county jail population management plan had been approved under Section 9a (which House Bill 4234 (H-1) would add), on the fifth consecutive day on which the county jail's general population exceeded 95% of the jail's rated design capacity, the sheriff would have to review the outstanding bonds for each prisoner. If the total of a prisoner's outstanding bonds did not exceed a maximum value determined as described in the bill, the sheriff, subject to the chief circuit judge's approval, would have to modify each outstanding bond for that prisoner to a personal recognizance bond in the same amount. Except for any prisoner whom the chief circuit judge believed would present a threat to the public safety, the sheriff would have to release any sentenced prisoner who had served 85% or more of his or her sentence, unless he or she were serving a sentence for a violent or assaultive offense, sex offense, prison or jail escape offense, weapons offense, drunk driving offense, or a controlled substance offense other than possession of less than 25 grams of a controlled substance, and any prisoner detained in the county jail for a civil contempt adjudication for failure to pay child support who had no other charges pending against him or her.

The bill also would revise provisions pertaining to the certification, declaration, and termination of a county jail overcrowding state of emergency, and provisions concerning the release and deferred acceptance of prisoners during an overcrowding state of emergency. In addition, the bill would allow accelerated review and rescheduling of court dates in an attempt to reduce overcrowding.

MCL 801.51 et al.

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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