

SUBSTITUTE FOR  
HOUSE BILL NO. 4234

A bill to amend 1982 PA 325, entitled

"An act to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency,"

(MCL 801.51 to 801.64) by adding sections 9a and 9b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1        SEC. 9A. (1) FOR THE PURPOSE OF REDUCING OR PREVENTING CHRONIC  
2 JAIL OVERCROWDING, A COUNTY OR JUDICIAL CIRCUIT MAY ADOPT AND  
3 IMPLEMENT A WRITTEN COUNTY JAIL POPULATION MANAGEMENT PLAN. THE  
4 PLAN SHALL NOT TAKE EFFECT UNLESS IT IS APPROVED BY ALL OF THE  
5 FOLLOWING:
- 6        (A) THE SHERIFF OF EACH AFFECTED COUNTY.
- 7        (B) THE PROSECUTING ATTORNEY OF EACH AFFECTED COUNTY.

1 (C) THE CHIEF CIRCUIT JUDGE OF THE JUDICIAL CIRCUIT OR, IN THE  
2 CASE OF A COUNTY PLAN, THE CHIEF CIRCUIT JUDGE OF THE JUDICIAL  
3 CIRCUIT THAT INCLUDES THAT COUNTY.

4 (D) A DISTRICT JUDGE DESIGNATED AS FOLLOWS:

5 (i) IF THE PLAN AFFECTS A SINGLE-COUNTY OR MULTICOUNTY JUDICIAL  
6 DISTRICT, THE CHIEF DISTRICT JUDGE FOR THAT JUDICIAL DISTRICT.

7 (ii) IN ALL OTHER CASES, A DISTRICT JUDGE CHOSEN BY THE CHIEF  
8 DISTRICT JUDGES OF ALL JUDICIAL DISTRICTS AFFECTED BY THE PLAN.

9 (2) A WRITTEN COUNTY JAIL POPULATION MANAGEMENT PLAN ADOPTED  
10 UNDER SUBSECTION (1) MAY BE AMENDED IF THE AMENDMENTS ARE APPROVED  
11 BY ALL OF THE PARTIES LISTED IN SUBSECTION (1) (A) TO (D).

12 (3) A WRITTEN COUNTY JAIL POPULATION PLAN ADOPTED UNDER  
13 SUBSECTION (1) IS EFFECTIVE FOR THE TERM PRESCRIBED IN THE PLAN,  
14 BUT NOT MORE THAN 4 YEARS. THE AMENDMENT OF A PLAN PURSUANT TO  
15 SUBSECTION (2) DOES NOT EXTEND THE 4-YEAR LIMIT PRESCRIBED IN THIS  
16 SUBSECTION.

17 (4) A WRITTEN COUNTY JAIL POPULATION MANAGEMENT PLAN SHALL  
18 PROVIDE FOR THE DELEGATION OF JUDICIAL SENTENCING AUTHORITY FOR THE  
19 PURPOSE OF REDUCING PRIOR VALID JAIL SENTENCES, CONSISTENT WITH  
20 SECTION 9B(1).

21 (5) A WRITTEN COUNTY JAIL POPULATION MANAGEMENT PLAN SHALL  
22 PROVIDE FOR THE DELEGATION OF JUDICIAL AUTHORITY FOR THE PURPOSE OF  
23 REVIEWING BONDS FOR UNSENTENCED PRISONERS.

24 SEC. 9B. (1) FOR PURPOSES OF THIS ACT, A SENTENCING JUDGE MAY  
25 SUSPEND OR REDUCE ANY VALIDLY IMPOSED JAIL SENTENCE IMPOSED BY THAT  
26 JUDGE. A SENTENCING JUDGE MAY DELEGATE THE AUTHORITY CONFERRED  
27 UNDER THIS SUBSECTION TO THE CHIEF JUDGE OF THE JUDICIAL DISTRICT

1 OR CIRCUIT IN WHICH THE SENTENCING JUDGE SERVES OR HIS OR HER  
2 DESIGNEE.

3 (2) FOR PURPOSES OF THIS ACT, A JUDGE MAY MODIFY BOND SET BY  
4 THE COURT FOR UNSENTENCED PRISONERS. A JUDGE MAY DELEGATE THE  
5 AUTHORITY CONFERRED UNDER THIS SUBSECTION TO THE CHIEF JUDGE OF THE  
6 JUDICIAL DISTRICT OR CIRCUIT IN WHICH THE JUDGE SERVES, OR HIS OR  
7 HER DESIGNEE.