

# HOUSE BILL No. 4234

February 7, 2007, Introduced by Reps. Wenke, Rick Jones, Byrnes, Nofs, Hoogendyk, Proos, Nitz and Robert Jones and referred to the Committee on Judiciary.

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 section 9a.

## 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) A MAJORITY OF THE CIRCUIT JUDGES AND A MAJORITY OF THE

1 DISTRICT JUDGES WHO SIT WITHIN THE AFFECTED COUNTY OR JUDICIAL  
2 CIRCUIT.

3 (C) THE STATE COURT ADMINISTRATIVE OFFICE.

4 (2) A WRITTEN COUNTY JAIL POPULATION MANAGEMENT PLAN SHALL  
5 PROVIDE FOR THE DELEGATION OF JUDICIAL SENTENCING AUTHORITY FOR THE  
6 PURPOSE OF REDUCING PRIOR VALID JAIL SENTENCES, CONSISTENT WITH  
7 SUBSECTION (3).

8 (3) FOR PURPOSES OF THIS ACT, A SENTENCING JUDGE MAY SUSPEND  
9 OR REDUCE ANY VALIDLY IMPOSED JAIL SENTENCE IMPOSED BY THAT JUDGE.  
10 A SENTENCING JUDGE MAY DELEGATE THE AUTHORITY CONFERRED UNDER THIS  
11 SUBSECTION TO THE CHIEF JUDGE OF THE JUDICIAL DISTRICT OR CIRCUIT  
12 IN WHICH THE SENTENCING JUDGE SERVES.