

SENATE BILL No. 1280

April 29, 2008, Introduced by Senators CHERRY and GLEASON 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,"

by amending section 6 (MCL 801.56), as amended by 1988 PA 399.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) The further actions prescribed in subsections (2)
2 to (4) and in sections 7 and 8 shall be required unless the actions
3 taken pursuant to section 5 reduce the county's jail population to
4 the higher of the following:

5 (a) 90% of rated design capacity or a percentage of rated
6 design capacity less than 90% as set by a court prior to February
7 8, 1983.

1 (b) A prisoner population such that the jail has the following
2 number of empty beds:

3 (i) For a jail with a rated design capacity of less than 500
4 beds, at least 10 empty beds.

5 (ii) For a jail with a rated design capacity of 500 beds or
6 more, at least 25 empty beds.

7 (2) If the actions taken pursuant to section 5 do not reduce
8 the county jail's population to the level prescribed in subsection
9 (1) within 14 days ~~of~~ **AFTER** the declaration of the county jail
10 overcrowding state of emergency, the sheriff shall present to the
11 chief circuit judge for the county in which the jail is located the
12 following information for each prisoner ~~sentenced to and housed in~~
13 the county jail on that date:

14 **(A) FOR PRISONERS WHO ARE SERVING A SENTENCE OF IMPRISONMENT**
15 **FOR CONVICTION OF 1 OR MORE CRIMES:**

16 (i) ~~(a)~~ The name of each prisoner.

17 (ii) ~~(b)~~ The offense for which the prisoner was convicted.

18 (iii) ~~(c)~~ The length of sentence imposed for the prisoner.

19 (iv) ~~(d)~~ The date on which the prisoner began serving his or
20 her sentence.

21 (v) ~~(e)~~ The date on which the prisoner will be released from
22 the jail according to the terms of his or her sentence, including
23 computations for good time.

24 (vi) ~~(f)~~ The name of the judge who imposed the sentence.

25 **(B) FOR PRISONERS HOUSED IN THE COUNTY JAIL WHO ARE NOT**
26 **SERVING A SENTENCE OF IMPRISONMENT FOR CONVICTION OF A CRIME:**

27 (i) **THE NAME OF THE PRISONER.**

1 (ii) THE OFFENSE FOR WHICH THE PRISONER IS BEING DETAINED IN
2 THE COUNTY JAIL.

3 (iii) THE AMOUNT OF THE PRISONER'S BOND.

4 (iv) THE DATE ON WHICH THE PRISONER BEGAN HIS OR HER PERIOD OF
5 DETENTION.

6 (v) THE NAME OF THE JUDGE WHO ORDERED THE PRISONER TO BE
7 DETAINED.

8 (3) After the chief circuit judge for the county in which the
9 jail is located reviews the information presented by the sheriff
10 pursuant to subsection (2), the chief circuit judge shall, for
11 purposes of county jail population reduction, ~~classify the~~ DO BOTH
12 OF THE FOLLOWING:

13 (A) CLASSIFY prisoners WHO ARE SERVING SENTENCES OF
14 IMPRISONMENT FOR CONVICTION OF CRIMES into 2 groups: those
15 prisoners who, if released, would present a high risk to the public
16 safety, and those who, if released, would not present a high risk
17 to the public safety. The chief circuit judge shall also determine
18 a minimum and a maximum percentage by which the sentences can be
19 reduced. The sheriff shall reduce the sentences of all prisoners
20 who, if released, would not present a high risk to the public
21 safety by an equal percentage which is within the minimum and
22 maximum percentages determined by the chief circuit judge.

23 (B) REVIEW THE LIST OF PRISONERS HOUSED IN THE COUNTY JAIL WHO
24 ARE NOT SERVING A SENTENCE FOR CONVICTION OF CRIMES AND DETERMINE
25 FOR EACH PRISONER WHETHER THE RELEASE OF THAT PRISONER WOULD OR
26 WOULD NOT PRESENT A HIGH RISK TO PUBLIC SAFETY. THE CHIEF JUDGE MAY
27 MODIFY THE BOND OF A PRISONER DESCRIBED IN THIS SUBDIVISION,

1 SUBJECT TO ANY CONDITIONS REASONABLY NECESSARY TO ENSURE THE
2 APPEARANCE OF THE INDIVIDUAL IN COURT.

3 (4) The sentences of prisoners sentenced to and housed in the
4 county jail after the fourteenth day of the county jail
5 overcrowding state of emergency may continue to be reduced in the
6 same manner as prescribed in subsections ~~(2)~~ (2) (A) and ~~(3)~~ (3) (A),
7 but shall not be reduced after the county jail overcrowding state
8 of emergency is ended or after the sheriff orders a sentence
9 reduction pursuant to section 7, whichever occurs first.

10 ~~———— (5) Not later than 18 months after the effective date of the~~
11 ~~1988 amendatory act that added this subsection and amended~~
12 ~~subsection (1), the office of facility services of the department~~
13 ~~of corrections, in cooperation with the Michigan sheriffs'~~
14 ~~association, shall report to the chairpersons of the senate and~~
15 ~~house standing committees responsible for legislation concerning~~
16 ~~corrections. The report shall evaluate the effect on the~~
17 ~~overcrowding state of emergency procedures of the amendments to~~
18 ~~subsection (1) made by the 1988 amendatory act that added this~~
19 ~~subsection for the 12 months beginning on the effective date of~~
20 ~~that 1988 amendatory act.~~