Act No. 139
Public Acts of 2007
Approved by the Governor
November 12, 2007
Filed with the Secretary of State
November 13, 2007

EFFECTIVE DATE: November 13, 2007

STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2007

Introduced by Reps. Wenke, Rick Jones, Byrnes, Nofs, Hoogendyk, Proos, Nitz and Robert Jones

ENROLLED HOUSE BILL No. 4234

AN ACT 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.

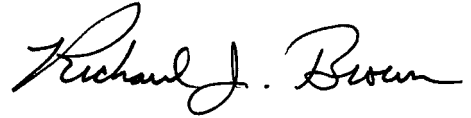*The People of the State of Michigan enact:*

Sec. 9a. (1) For the purpose of reducing or preventing chronic jail overcrowding, a county or judicial circuit may adopt and implement a written county jail population management plan. The plan shall not take effect unless it is approved by all of the following:

(a) The sheriff of each affected county.

(b) The prosecuting attorney of each affected county.

(c) 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 includes that county.

(d) A district judge designated as follows:

(*i*) If the plan affects a single-county or multicounty judicial district, the chief district judge for that judicial district.

(*ii*) In all other cases, a district judge chosen by the chief district judges of all judicial districts affected by the plan.

(2) A written county jail population management plan adopted under subsection (1) may be amended if the amendments are approved by all of the parties listed in subsection (1)(a) to (d).

(3) A written county jail population plan adopted under subsection (1) is effective for the term prescribed in the plan, but not more than 4 years. The amendment of a plan pursuant to subsection (2) does not extend the 4-year limit prescribed in this subsection.

(4) A written county jail population management plan shall provide for the delegation of judicial sentencing authority for the purpose of reducing prior valid jail sentences, consistent with section 9b(1).

(5) A written county jail population management plan shall provide for the delegation of judicial authority for the purpose of reviewing bonds for unsentenced prisoners.
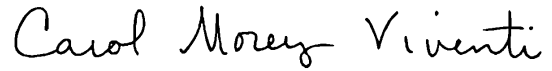
Sec. 9b. (1) For purposes of this act, a sentencing judge may suspend or reduce any validly imposed jail sentence imposed by that judge. A sentencing judge may delegate the authority conferred under this subsection to the chief judge of the judicial district or circuit in which the sentencing judge serves or his or her designee.

(2) For purposes of this act, a judge may modify bond set by the court for unsentenced prisoners. A judge may delegate the authority conferred under this subsection to the chief judge of the judicial district or circuit in which the judge serves, or his or her designee.

This act is ordered to take immediate effect.

Clerk of the House of Representatives

Secretary of the Senate

Approved _____

Governor