

Legislative Analysis



RAPID REPATRIATION

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House Bill 4130 as introduced
Sponsor: Rep. Alma Wheeler Smith
Committee: Appropriations

Complete to 9/10/09

A REVISED SUMMARY OF HOUSE BILL 4130 AS INTRODUCED 2/4/09

The bill would amend the Corrections Code to authorize the Department of Corrections to release a prisoner to U.S. Immigration and Customs Enforcement (ICE) if all of the following conditions were met:

- The Department received an order of deportation for the prisoner.
- The prisoner had served at least one-half of his or her minimum sentence.
- The prisoner was not serving a sentence for first- or second-degree murder, or first-, second-, or third-degree criminal sexual conduct.
- The prisoner had not been sentenced as an habitual offender.

FISCAL IMPACT:

The Department of Corrections (MDOC) could experience savings to the extent that it was relieved of the costs of incarcerating prisoners transferred to ICE. According to the Department of Corrections, the average appropriated cost per prisoner is about \$32,500 annually, a figure that includes various fixed administrative and operational costs. Actual savings to the Department would depend on the number of prisoners released, the security levels from which they were released, and the length of time that they otherwise would have remained in MDOC custody. The Department of Corrections reports that as of February 2009, there are 660 prisoners who are flagged in the offender database for possible release to federal authorities; the number of these for whom deportation orders have been issued is not known. Of the 660 total possible, about 150, or 23%, meet the other criteria specified by the bill. There are another 157 prisoners who do not have the "detainer" flag but appear to have foreign or unknown citizenship, and of these, 50 meet the bill's other criteria, bringing the total potential eligibility pool to about 200. However, as noted above, the number for whom final deportation orders have been issued is not known. Further, some number of the 200 are from countries to which the United States does not deport.

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