

Legislative Analysis



DEPORTATION OF COUNTY JAIL INMATES

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House Bill 5675

Sponsor: Rep. Richard Hammel

Committee: Judiciary

Complete to 2-9-10

A SUMMARY OF HOUSE BILL 5675 AS INTRODUCED 12-9-09

The bill would require county sheriffs to release certain inmates to U.S. Immigration and Customs Enforcement (ICE) for the sole purpose of deportation.

The bill would add a new section to Chapter 171 of the Revised Statutes of 1846, "Of county jails and the regulation thereof." A similar bill, House Bill 4130, that deals with incarcerated prisoners of the Michigan Department of Corrections, was previously reported by the House Appropriations Committee and passed by the House.

House Bill 5676 would apply to any sentenced inmate who met all of the following conditions:

- A final order of deportation had been issued against the inmate by the U.S. Immigration and Naturalization Service (INS).
- The inmate had served at least one-half of a court-imposed sentence.
- The inmate was not serving a sentence for first-, second-, third- or fourth-degree criminal sexual conduct.

A sheriff could only release an inmate under the bill's provisions if the sheriff had received – from the INS- assurance that: (1) an order of deportation would be executed or that proceedings would promptly be begun for the purpose of deportation upon release of the inmate from the sheriff's custody; and (2) that the inmate would not be released from the custody of the INS for any other reason than deportation, unless the INS provided the sheriff a reasonable opportunity to arrange for a warrant for the return of the inmate to the sheriff's custody.

The inmate would be delivered to the custody of the INS along with a warrant issued by the sentencing court for the inmate's return to the sheriff's custody if the inmate is released by the INS for any reason other than deportation.

If the inmate were not deported, the sheriff would have to execute the warrant and return the inmate to his or her custody. The inmate would then have to serve the remainder of the sentence.

MCL 801.24

FISCAL IMPACT:

Counties could experience savings under the bill to the extent that the counties were relieved of the costs of housing inmates transferred to ICE. The magnitude of savings is indeterminate, and it is not known how many inmates might be released under the bill.

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