

# HOUSE BILL No. 6121

May 4, 2010, Introduced by Reps. Smith, Lori and Durhal and referred to the Committee on Appropriations.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
(MCL 791.201 to 791.285) by adding section 20j; and to repeal acts  
and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 20J. (1) THE DEPARTMENT SHALL ADMINISTER A COUNTY JAIL  
2 REIMBURSEMENT PROGRAM, SUBJECT TO ANNUAL APPROPRIATIONS FOR THAT  
3 PURPOSE, FOR THE PURPOSE OF REIMBURSING COUNTIES FOR CERTAIN FELONS  
4 WHO OTHERWISE WOULD HAVE BEEN SENTENCED TO PRISON.

5        (2) THE COUNTY JAIL REIMBURSEMENT PROGRAM SHALL REIMBURSE  
6 COUNTIES FOR CONVICTED FELONS IN THE CUSTODY OF THE SHERIFF IF THE  
7 CONVICTION WAS FOR A CRIME COMMITTED ON OR AFTER JANUARY 1, 1999  
8 AND 1 OF THE FOLLOWING APPLIES:

9        (A) THE FELON'S SENTENCING GUIDELINES RECOMMENDED RANGE UPPER

1 LIMIT IS MORE THAN 18 MONTHS, THE FELON'S SENTENCING GUIDELINES  
2 RECOMMENDED RANGE LOWER LIMIT IS 12 MONTHS OR LESS, THE FELON'S  
3 PRIOR RECORD VARIABLE SCORE IS 35 OR MORE POINTS, AND THE FELON'S  
4 SENTENCE IS NOT FOR COMMISSION OF A CRIME IN CRIME CLASS G OR CRIME  
5 CLASS H OR A NONPERSON CRIME IN CRIME CLASS F, AS PROVIDED IN THE  
6 SENTENCING GUIDELINES.

7 (B) THE FELON'S MINIMUM SENTENCING GUIDELINES RANGE MINIMUM IS  
8 MORE THAN 12 MONTHS.

9 (C) THE FELON WAS SENTENCED TO JAIL FOR A FELONY COMMITTED  
10 WHILE HE OR SHE WAS ON PAROLE AND UNDER THE JURISDICTION OF THE  
11 PAROLE BOARD AND FOR WHICH THE SENTENCING GUIDELINES RECOMMENDED  
12 RANGE FOR THE MINIMUM SENTENCE HAS AN UPPER LIMIT OF MORE THAN 18  
13 MONTHS.

14 (3) STATE REIMBURSEMENT UNDER THIS SECTION SHALL BE \$60.00 PER  
15 DIEM PER DIVERTED OFFENDER FOR OFFENDERS WITH A PRESUMPTIVE PRISON  
16 SENTENCING GUIDELINE SCORE, \$50.00 PER DIEM PER DIVERTED OFFENDER  
17 FOR OFFENDERS WITH A STRADDLE CELL SENTENCING GUIDELINE SCORE FOR A  
18 GROUP 1 CRIME, AND \$35.00 PER DIEM PER DIVERTED OFFENDER FOR  
19 OFFENDERS WITH A STRADDLE CELL SENTENCING GUIDELINE SCORE FOR A  
20 GROUP 2 CRIME. REIMBURSEMENTS SHALL BE PAID FOR SENTENCES UP TO A  
21 1-YEAR TOTAL.

22 (4) ALL FACTORS IN SUBSECTIONS (2) AND (3) RELATING TO  
23 SENTENCING GUIDELINES SHALL BE DETERMINED BY THE DEPARTMENT  
24 ACCORDING TO CHAPTER XVII OF THE CODE OF CRIMINAL PROCEDURE, 1927  
25 PA 175, MCL 777.1 TO 777.69.

26 (5) THE DEPARTMENT AND THE STATE BUDGET OFFICE SHALL, IF  
27 APPROPRIATE, RECOMMEND MODIFICATION OF THE CRITERIA FOR

1 REIMBURSEMENT CONTAINED IN SUBSECTION (2) TO THE CHAIRS OF THE  
2 HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEES ON CORRECTIONS.

3 (6) COUNTY JAIL REIMBURSEMENT PROGRAM EXPENDITURES SHALL NOT  
4 EXCEED THE ANNUAL AMOUNT APPROPRIATED FOR THAT PURPOSE FOR THE  
5 COUNTY JAIL REIMBURSEMENT PROGRAM. PAYMENTS TO COUNTIES UNDER THE  
6 COUNTY JAIL REIMBURSEMENT PROGRAM SHALL BE MADE IN THE ORDER IN  
7 WHICH PROPERLY DOCUMENTED REQUESTS FOR REIMBURSEMENTS ARE RECEIVED.  
8 A REQUEST SHALL BE CONSIDERED TO BE PROPERLY DOCUMENTED IF IT MEETS  
9 THE DEPARTMENT'S REQUIREMENTS FOR DOCUMENTATION. THE DEPARTMENT  
10 SHALL DISTRIBUTE THE DOCUMENTATION REQUIREMENTS TO ALL COUNTIES.

11 (7) ON A QUARTERLY BASIS, THE CHAIRS OF THE SENATE AND HOUSE  
12 APPROPRIATIONS SUBCOMMITTEES ON CORRECTIONS SHALL CONVENE A MEETING  
13 OF A WORKGROUP CONSISTING OF REPRESENTATIVES OF THE DEPARTMENT, THE  
14 MICHIGAN SHERIFF'S ASSOCIATION, AND THE MICHIGAN ASSOCIATION OF  
15 COUNTIES FOR ALL OF THE FOLLOWING PURPOSES:

16 (A) REVIEWING THE PROJECTED REIMBURSEMENTS COMPARED TO THE  
17 AMOUNT APPROPRIATED FOR THAT PURPOSE FOR THAT FISCAL YEAR.

18 (B) DETERMINING WHETHER THERE IS A NEED FOR INCREASED FUNDING.

19 (C) RECOMMENDING AN APPROPRIATE FUNDING LEVEL.

20 (8) AS USED IN THIS SECTION:

21 (A) "GROUP 1 CRIME" MEANS A CRIME IN 1 OR MORE OF THE  
22 FOLLOWING OFFENSE CATEGORIES: ARSON, ASSAULT, ASSAULTIVE OTHER,  
23 BURGLARY, CRIMINAL SEXUAL CONDUCT, HOMICIDE OR RESULTING IN DEATH,  
24 OTHER SEX OFFENSES, ROBBERY, AND WEAPON POSSESSION AS DETERMINED BY  
25 THE DEPARTMENT.

26 (B) "GROUP 2 CRIME" MEANS A CRIME THAT IS NOT A GROUP 1 CRIME,  
27 INCLUDING LARCENY, FRAUD, FORGERY, EMBEZZLEMENT, MOTOR VEHICLE,

1 MALICIOUS DESTRUCTION OF PROPERTY, CONTROLLED SUBSTANCE OFFENSE,  
2 FELONY DRUNK DRIVING, AND OTHER NONASSAULTIVE OFFENSES.

3 (C) "IN THE CUSTODY OF THE SHERIFF" MEANS THAT THE CONVICTED  
4 FELON HAS BEEN SENTENCED TO THE COUNTY JAIL AND EITHER IS HOUSED IN  
5 THE JAIL OR HAS BEEN RELEASED FROM JAIL AND IS BEING MONITORED  
6 THROUGH THE USE OF THE SHERIFF'S ELECTRONIC MONITORING SYSTEM.

7 Enacting section 1. Section 35 of chapter IX of the code of  
8 criminal procedure, 1927 PA 175, MCL 769.35, is repealed.