

Legislative Analysis



ELIMINATE SUNSET ON SPECIAL ALTERNATIVE INCARCERATION

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Senate Bill 861 as reported without amendment

Sponsor: Sen. Rick Jones

(Enacted as Public Act 259 of 2012)

Committee: Judiciary

Complete to 5-31-12

A SUMMARY OF HOUSE BILL AS REPORTED FROM HOUSE COMMITTEE

The bill would amend the Corrections Code (MCL 791.234a) to eliminate a sunset of September 30, 2012, on prisoner participation in the special alternative incarceration (SAI, or "boot camp") program. Prisoners participating in the SAI program typically serve 90 days in the program, and state law limits participation to no more than 120 days. Upon successful completion, the prisoner is then placed on parole for at least the remainder of their minimum sentence, with the first 120 days of parole under intensive supervision.

A September 30, 2009, sunset was placed on the prisoner program by 2008 PA 158, which also extended prisoner SAI eligibility to prisoners serving their second prison sentence. That sunset was later extended to September 30, 2010, and eligibility was again limited to first-time prisoners by 2009 PA 107. The sunset was again extended to September 30, 2012, by 2010 PA 194.

FISCAL IMPACT

Since this bill would essentially allow current eligibility provisions of the program to continue, it would not impact current costs within the Department. However, the bill would allow the MDOC to avoid future costs that would likely result if the sunset provision were not removed, and prisoners were no longer eligible to participate in the program.

As of May 25, 2012, there were 522 offenders participating in the SAI program, including 176 regular SAI prisoners (151 men, 25 women) serving in the SAI program as an alternative to their minimum prison sentence, 91 probationers (72 men, 19 women), and 255 intensive reentry prisoners who are serving their full minimum sentence and are utilizing the program to prepare for re-entry at parole. If the September 30, 2012, sunset provision is not eliminated, the facility would no longer be authorized to house offenders in the first group that are serving in the SAI program as an alternative to their prison sentence. The facility would be able to continue to serve probationers and intensive reentry prisoners. The regular SAI prisoners who would no longer be eligible would likely be sent to another MDOC facility to serve out at least their minimum sentence. Thus, the regular prison population would increase, as would the length of stay of these prisoners, who currently participate for 90 days in the SAI program but would again be

subject to prison sentences which could last up to 2 or 3 years depending upon their offense.

Based on an HFA analysis of current population and enrollment data, if the SAI facility could no longer be used to house regular SAI prisoners, the MDOC would see an increase of 1,300 - 1,500 prison beds in the long run as current 90-day SAI prisoners instead served full prison sentences. However, for reference, a February 2012 prisoner population projection analysis submitted by the Department of Corrections projects that if prisoner placements in the SAI program were to cease as of the sunset date, it would result in an additional 1,600 - 2,100 occupied prison beds within the two years. Enactment of the bill would allow avoidance of the cost of these prison beds that otherwise would have to be returned to service. The annual cost of accommodating these additional prison beds would range between around \$28 million (based on HFA estimates) to around \$42 million (based on high-end of the February MDOC projection).

The costs of operating the Special Alternative Incarceration facility were \$11.4 million in FY 2009, \$11.0 million in FY 2010, and \$12.1 million in FY 2011.

Fiscal Analyst: Bob Schneider

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