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BILL



ANALYSIS

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Senate Bills 1126 and 1127 (as introduced 5-15-12)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 6-4-12

CONTENT

The bills would amend Chapter XI (Probation) of the Code of Criminal Procedure to do the following:

- **Require a court to verify that a person convicted of a felony was employed or enrolled in school before granting him or her work or school release from jail.**
- **Require the Department of Corrections to verify the person's work or school attendance to the court.**
- **Require the court to order the person to wear a monitoring device that tracked his or her movement and location.**
- **Require information provided by the monitoring device to be recorded and monitored to ensure the person's compliance with release requirements.**
- **Require the individual to pay the costs associated with the monitoring device.**

The bills are tie-barred.

Senate Bill 1127

The Code requires certain conditions to be included in a sentence of probation, and allows a court to require certain actions as a condition of probation. The court may require a probationer to be imprisoned in the county jail for up to 12 months, at one time or in nonconsecutive intervals, and may permit a work or school release from jail. The bill would allow the court to permit an individual to be released from jail to work at his or her existing job or to attend a school in which he or she was enrolled, subject to provisions proposed by the bill and Senate Bill 1126.

Under Senate Bill 1127, before allowing an individual convicted of a felony to be released from jail to attend work or school, under the provision described above, the court would have to verify that the individual was employed or was enrolled in school.

Within seven days after the court granted an individual release to attend work or school, and then weekly, the Department of Corrections Bureau of Probation would have to verify to the court that the individual was attending work or school as required by the court.

"School" would mean a school of secondary education; a community college, college, or university; a State-licensed technical or vocational school or program; or a program that prepares a person for the General Education Development (GED) test.

Senate Bill 1126

Under the bill, if the court permitted a probationer convicted of a felony to be released from jail for purposes of attending work or school, the court would have to order the individual to wear an electronic monitoring device that provided a signal, through the use of the global positioning satellite (GPS) system or by other means, of the individual's movement and location at all times. The information provided by the electronic monitoring device would have to be recorded and monitored to ensure the individual's compliance with his or her work release requirements. The installation, maintenance, monitoring, and removal costs of the device would have to be paid for by the individual.

Proposed MCL 771. 3e (S.B. 1126)
MCL 771.3 et al. (S.B. 1127)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. Local courts could incur increased administrative workload associated with verifying employment or school enrollment. The State would incur the cost of verifying that the individual continued to attend work or school throughout his or her release, but these duties would likely be within the scope of current practices.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.