

REQUIRE REENTRY SERVICES FOR EX-PRISONERS WHOSE SENTENCES ARE REVERSED, VACATED, OR OVERTURNED

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House Bill 5815 as introduced
Sponsor: Rep. Stephanie Chang
Committee: Criminal Justice
Complete to 9-16-16

SUMMARY:

The bill would require the Department of Corrections (DOC) to provide certain services, for a limited time, to a person who is released from prison because a conviction or sentence is reversed, vacated, or overturned. These services will be similar to those provided to persons released on parole. The bill takes effect 90 days after enactment.

House Bill 5818 amends a section of the Corrections Code that previously repealed Act No. 4 of the Public Acts of the Second Extra Session of 1947. That language will be deleted and instead new language added to require the DOC to provide all of the following to a prisoner who is discharged from custody prior to the maximum discharge date without being granted parole because a conviction or sentence has been reversed, vacated, or overturned:

- Reentry services consistent with the services received by parolees for up to two years following the date of discharge.
- Reentry housing consistent with the traditional housing provided to parolees for up to one year following the date of discharge.
- Vital documents, including, but not limited to, the prisoner's birth certificate.

Staff must be assigned by the DOC to ensure that a prisoner eligible for the services and documents described above would be provided them in a timely manner.

If a prisoner received the reentry services, and his or her conviction was subsequently reinstated, or he or she was resentenced and returned to the custody of the DOC for the same conviction that had been previously reversed, vacated, or overturned (and that had entitled him or her to the reentry services), the prisoner must repay the DOC for all reentry services received. The DOC will determine the amount owed.

MCL 791.283

FISCAL IMPACT:

The bill could have an impact on the state Department of Corrections, depending on the number of individuals released from prison because their convictions or sentences are reversed, vacated, or overturned. In the last five years, there have been 25 individuals

released under these conditions. If the number of individuals released continues to average about five per year, costs resulting from the bill could be covered by existing appropriations. Housing costs vary by region, but average between \$25 and \$35 per day. Costs for other reentry services would vary because the specific types of reentry services required by the individuals who are released would vary. It is current practice for the Department of Corrections to get birth certificates and other vital documents for prisoners before they are released, so this would not result in new costs for the department. In the FY 2015-16 budget for the Department of Corrections, there is roughly \$39.0 million appropriated for prisoner reentry services.

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