



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 975 (as introduced 5-19-16)  
Sponsor: Senator Peter MacGregor  
Committee: Michigan Competitiveness

Date Completed: 5-25-16

### **CONTENT**

The bill would amend the Code of Criminal Procedure to define "recidivism" as the rearrest, reconviction, and reincarceration in prison or jail of an individual within three and five years of his or her release from incarceration, placement on probation, or conviction, whichever is later, and probation and parole violations as well as misdemeanor and felony convictions, if recidivism data regarding technical probation and parole violations are collected and maintained separately from data on new felony or misdemeanor convictions.

The term "recidivism" is used in two sections of the Code. Section 33a of Chapter IX (Judgment and Sentence) establishes responsibilities of the Criminal Justice Policy Commission. Among other things, in cooperation with the Department of Corrections, the Commission is required to collect, analyze, and compile data and make projections regarding the populations and capacities of State and local correctional facilities, the impact of the sentencing guidelines and other laws, rules, and policies on those populations and capacities, and the effectiveness of efforts to reduce recidivism. Measurement of recidivism must include, as applicable, analysis of the following:

- Rearrest rates, resentence rates, and return to prison rates.
- One-, two-, and three-year intervals after exiting prison or jail and after entering probation.
- The statewide level, and by locality and discrete program, to the extent possible.

In addition, Section 36 of Chapter VIII (Trials) allows a defendant to be found "guilty but mentally ill" and contains related provisions, including provisions for treatment. When a treating facility discharges a defendant before the expiration of his or her sentence, it must transmit to the Parole Board a report that contains certain information, including the potential for recidivism.

The bill would take effect 90 days after enactment.

MCL 761.1

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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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.