



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4966 (as passed by the House)
Sponsor: Representative Martin Howrylak
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 10-17-16

CONTENT

The bill would amend the Corrections Code to require the Department of Corrections (DOC) to ensure that a prisoner under 21 years of age was offered certain out-of-cell programming and outdoor exercise.

Specifically, the DOC would have to develop policies to ensure that an inmate, including one in punitive or administrative segregation, who was under 21 was offered age-appropriate out-of-cell programming and outdoor exercise at least five days a week.

By January 1, 2017, the DOC would have to develop policies to ensure that such an inmate was released from his or her cell each day. These policies would have to be based on the guidelines for the use of restraint and seclusion established under Sections 740 and 742 of the Mental Health Code. (Section 740 prohibits a resident of certain facilities from being placed in physical restraints except in the circumstances and under conditions set forth in law. Section 742 allows seclusion to be used only in certain facilities and in circumstances and under conditions set forth in law.)

The bill would take effect on October 1, 2018.

Proposed MCL 791.264a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could have a negative fiscal impact on the State and would have no fiscal impact on local government. The cost to implement the provisions of the bill would depend on what policies were developed by the Department of Corrections. Except in special circumstances, prisoners in segregation are already provided a minimum of one hour of outside exercise, five days per week, although they are generally not provided with programming opportunities. The largest potential cost would come from developing a segregation policy for inmates under 21 that was based on the Mental Health Code guidelines for use of restraint and seclusion, which are significantly more restrictive than the Department's current rules.

Fiscal Analyst: Ryan Bergan

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