

Legislative Analysis



RAISE THE AGE: POLICIES FOR INMATES UNDER 21

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House Bill 4741 as introduced
Sponsor: Rep. Martin Howrylak
Committee: Law and Justice
Complete to 9-24-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4741 would add a new section to the Corrections Code to do both of the following:

- Require the Department of Corrections, by October 1, 2017, to develop policies ensuring that inmates under 21 years of age are offered age-appropriate out-of-cell programming and outdoor exercise at least 5 days a week. This would apply also to inmates in punitive or administrative segregation.
- Require the Department of Corrections, by January 1, 2018, to develop policies ensuring that inmates under 21, including inmates in punitive or administrative segregation, are released from their cells each day. The 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.

Proposed MCL 791.264a

BACKGROUND INFORMATION:

House Bill 4741 is a reintroduction of House Bill 4966 of the 2015-2016 legislative session. It is part of a larger bill package known as the “Raise the Age” legislation, which is intended to treat individuals who are 17 years of age as juveniles rather than automatically treating them as adults.

FISCAL IMPACT:

House Bill 4741 could have a fiscal impact on the state, but would not have an impact on local units of government. Depending on the policies that are developed and implemented, there could be significant general fund/general purpose costs to the Department of Corrections, especially for the development and implementation of a segregation policy for inmates under the age of 21 that is based on Mental Health Code guidelines. Guidelines for use of restraint and seclusion under the Mental Health Code are more restrictive than current rules followed by the Department of Corrections.

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