

REMOVE TERM OF VALIDITY FOR CERTIFICATE OF EMPLOYABILITY

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House Bill 5926 (H-1) as reported from committee

Sponsor: Rep. Steve Marino

Committee: Workforce and Talent Development

Complete to 5-31-18

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

(Enacted as Public Act 531 of 2018)

BRIEF SUMMARY: House Bill 5926 would amend the Corrections Code of 1953 to remove the term of validity for a certificate of employability (COE). It would also expand the education component required for a COE.

FISCAL IMPACT: Extending the time frame of validity would not have any fiscal impact on the state or on local units of government.

THE APPARENT PROBLEM:

Certificates of employability are intended to help offenders who are reentering society obtain employment. Employers are less likely to hire those individuals because of the stigma surrounding incarceration and out of a concern that ex-offenders are less trustworthy and likely to re-offend. COEs are intended to ease those concerns for employers. In fact, PA 359's companion bill, PA 360 of 2014, provided that a COE could be introduced as evidence of an employer's due care in hiring an ex-offender, and stated that the COE would indicate that the employer did not act negligently in hiring the ex-offender if a claim against the employer required proof that the employer was negligent for disregarding a prior criminal conviction.

According to committee testimony, it is unclear why COE terms were limited to 4 years at the time the legislation was enacted, but the success of the program, as well as potential confusion as COEs begin to expire, weigh in favor of an indefinite term.

A representative of the Department of Corrections (DOC) testified that just over 1,800 COEs have been earned since PA 359's inception, and only 13 have been revoked.

THE CONTENT OF THE BILL:

Public Act 359 of 2014 implemented the requirement that, upon a prisoner's release, the DOC must issue a COE to prisoners who qualify. In order to qualify, the prisoner must have done all of the following:

- Successfully completed a career and technical education course.
- Received no major misconducts during the two years immediately preceding release.
- Received no more than three minor misconducts during the two years immediately preceding release.
- Received a silver level or better on his or her national work readiness certificate or the equivalent on an alternative DOC-administered test.

However, PA 359 provided that the COE would only be valid for four years after the date it is issued unless otherwise revoked by the DOC. The bill would remove this term of validity so that it would be valid indefinitely unless revoked by the DOC.

Additionally, the bill would expand the career and technical education course component to include the successful completion or earning of one or more of the following while incarcerated:

- A career or technical education course.
- At least 36 credit hours at an accredited postsecondary educational institution.
- An associate or bachelor's degree from an accredited postsecondary educational institution if at least 50% of the credit hours for that degree were completed while the prisoner was incarcerated.

The bill would take effect 90 days after enactment.

MCL 791.234d

ARGUMENTS:

For:

Proponents argue that the COE removes some of the stigma associated with prison as ex-offenders re-enter the workforce. Allowing those COEs that were issued when PA 359 was first enacted to begin expiring would cause unnecessary confusion and put an arbitrary end date on a successful program, they say. After all, supporters argued, if a COE gives ex-offenders a leg up in securing employment, do we really want to send the message that in order to continue to reap its benefits, they would need to re-offend in order to get a new COE?

POSITIONS:

A representative of the Michigan Department of Corrections testified in support of the bill. (5-22-18)

The following organizations indicated support for the bill: (5-22-18)

- Small Business Association of Michigan
- Macomb/St. Clair Michigan Works!
- CARE of Southeastern Michigan

Legislative Analyst: Jenny McInerney
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