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Senate Bill 406 (Substitute S-1 as reported)
Sponsor: Senator Tom Barrett
Committee: Judiciary and Public Safety

CONTENT

The bill would amend the Michigan Penal Code to do the following:

- Require a court to enter an order committing a person convicted of first-degree murder to be committed, immediately following a conviction, to the Michigan Department of Corrections (MDOC) for incarceration in a State correctional facility pending sentencing using a form created by the State Court Administrative Office.
- Specify that the order would become effective if the sheriff agreed to transport the person for final sentencing and if the convicted person were at least 18 years of age at the time he or she committed the offense for which he or she was convicted.
- Require a court to hold a sentencing hearing within 45 days after the person was committed to the MDOC.

MCL 750.316

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bill would decrease costs for local county jails as they no longer would have to house offenders convicted of first-degree murder while awaiting sentencing. Instead, these offenders would be housed in an MDOC facility to await sentencing, which would shift those costs to the State. The savings for counties would vary as those costs vary by jurisdiction and would depend on how many offenders no longer would be housed in local jails.

The costs increase for the State and the MDOC would be the same as for housing any prisoner. Currently, the average annual cost to house a prisoner in an MDOC facility is an estimated \$43,000, which includes fixed administrative and operational costs (which are funded with General Fund/General Purpose revenue). The bill also would result in the MDOC's having to transport offenders from State correctional facilities to county courts for sentencing, which would add additional transportation costs for the Department.

The bill could have a minor, negative fiscal impact on SCAO. The bill would require SCAO to create a form to commit a convicted offender to the jurisdiction of the Department of Corrections. The State Court Administrative Office already has a judgment of sentence/commitment to the Department of Corrections form that it provides for circuit courts, Form CC 219b. The State Court Administrative Office likely would have to create a separate form to commit a convicted offender to the MDOC without imposing a sentence. It is expected that the creation of this form, and the distribution of it to circuit courts electronically would be a minor expense for SCAO and would be absorbed by current funding amounts.

Date Completed: 6-17-22

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Bill Analysis @ www.senate.michigan.gov/sfa

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