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Senate Bill 406 (as introduced 4-29-21)
Sponsor: Senator Tom Barrett
Committee: Judiciary and Public Safety

Date Completed: 5-25-22

CONTENT

The bill would amend the Michigan Penal Code to require 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.

Section 316 of the Code specifies that a person who commits any of the following is guilty of first-degree murder and must be punished by imprisonment for life without eligibility for parole:

- Murder perpetrated by means of poison, lying in wait, or any other willful, deliberate, and premeditated killing.
- Murder committed in the perpetration of, or attempt to perpetrate, first-, second-, or third-degree criminal sexual conduct; arson; first-degree child abuse; a major controlled substance offense; robbery; carjacking; breaking and entering of a dwelling; first- or second-degree home invasion; larceny of any kind; extortion; kidnapping; first- or second-degree vulnerable adult abuse; torture; aggravated stalking; or unlawful imprisonment.
- Murder of a peace officer or a corrections officer committed while the officer is lawfully engaged in the performance of any of his or her duties as a peace officer or corrections officer, knowing that the officer is a peace officer or corrections officer engaged in the performance of his or her duty as a peace officer or corrections officer.

Under the bill, immediately following a conviction under Section 316, the person convicted would have to be committed to the jurisdiction of the MDOC for incarceration in a State correctional facility pending sentencing.

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.

Fiscal Analyst: Joe Carrasco, Jr.

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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.