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Senate Bill 406 (as enacted)  
Sponsor: Senator Tom Barrett  
Senate Committee: Judiciary and Public Safety  
House Committee: Judiciary

**PUBLIC ACT 149 of 2022**

Date Completed: 12-19-22

**CONTENT**

**The bill amended 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 (SCAO).**
- **Specify that the order becomes effective if the sheriff agrees to transport the person for final sentencing and if the convicted person is 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 is committed to the MDOC.**

The bill took effect on July 19, 2022.

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, a court must enter an order committing the convicted person to the jurisdiction of the MDOC for incarceration in a State correctional facility pending sentencing using a form created by SCAO. The order becomes effective if both of the following apply:

- The sheriff agrees to transport for final sentencing the person from the State correctional facility to the county and from the county back to the State correctional facility.
- The convicted person was at least 18 years of age at the time he or she committed the offense for which he or she was convicted.

A court must hold the sentencing hearing within 45 days after a person is committed to the MDOC.

MCL 750.316

Legislative Analyst: Stephen P. Jackson

### **FISCAL IMPACT**

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

The costs increase for the State and the MDOC will 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 will result in the MDOC's having to transport offenders from State correctional facilities to county courts for sentencing, which will add additional transportation costs for the Department.

The bill likely had a minor, negative fiscal impact on SCAO; it requires SCAO to create a form to commit a convicted offender to the jurisdiction of the MDOC. The State Court Administrative Office has developed this form, Form CC 520. The creation of the form, and its distribution to circuit courts electronically likely was a minor expense for SCAO that was absorbed by regularly appropriated funding.

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.