



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 376 (Substitute S-3 as reported)
Senate Bill 377 (Substitute S-1 as reported)
Sponsor: Senator Stephanie Chang (S.B. 376)
Senator Ed McBroom (S.B. 377)
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 376 (S-3) would amend the Code of Criminal Procedure to do the following:

- Create the Michigan Sentencing Commission in the Legislative Council.
- Prescribe the membership of the Commission.
- Prescribe the method by which members would be appointed, who would appoint them, and the deadline for appointments.
- Require the Governor to appoint the Commission's chairperson with the advice and consent of the Senate.
- Set term limits for members.
- Prohibit all Commission members, except for the chairperson, from receiving a salary.
- Allow the Commission to establish subcommittees that could consist of individuals who were not Commission members.

Senate Bill 377 (S-1) would amend the Code of Criminal Procedure to prescribe the responsibilities of the Commission, including the following:

- Collecting, preparing, analyzing, and disseminating information on sentencing and release policies.
- Researching and reporting on sentencing guidelines and efforts to reduce the likelihood that a convicted individual would reoffend.
- Considering sentencing guidelines in relation to the offense, the victim input, the offender's blameworthiness, the likelihood of recidivism, the elimination of inequities, and the guidelines' efficacy, among other criteria.
- Developing and recommending modifications to sentencing guidelines based on the Commission's considerations.
- Reporting certain recommendations to the Legislature.

The bills are tie-barred.

Proposed MCL 769.34a (S.B. 376)
Proposed MCL 769.34b (S.B. 377)

Legislative Analyst: Tyler P. VanHuyse

BRIEF RATIONALE

According to testimony, Michigan's current sentencing guidelines were established in the late 1990's. In the early 2000's, a commission similar to the one proposed by the bills evaluated the guidelines' effectiveness. That commission was disbanded in 2004. Some people have concern that the prevailing attitudes toward crime and rehabilitation can influence sentencing guidelines' severity at the time of their establishment, and so it has been suggested that the Commission be created to regularly evaluate sentencing guidelines in the State.

FISCAL IMPACT

Senate Bill 376 (S-3)

The bill would have an indeterminate fiscal impact on the Legislative Council by creating the Commission within the Legislative Council. Except for the chairperson, Commission members would not receive a salary but would be eligible for reimbursement for necessary expenses incurred in the performance of their duties as Commission members. The Governor would have to appoint (with advice and consent of the Senate) a chairperson for the Commission but the bill remains silent on the salary for the chairperson.

The bill would require the Legislative Council to provide the Commission with suitable office space, staff, and necessary equipment. The Commission could hire any additional staff it deemed necessary. Based on FY 2021-22 data, the current estimated average annual cost for 1.0 FTE for a classified State employee is \$137,500 gross, \$70,500 GF/GP for salary and benefits.

Finally, the cost for reimbursing Commission members for necessary expenses incurred in the performance of their duties (based on other similar commissions and committees) averages less than \$50,000 annually.

Senate Bill 377 (S-1)

The bill could indirectly affect the costs for the State and local units of government. Depending on decisions and changes made by the Commission, costs could increase or decrease, depending on the changes made to sentencing.

Changes to misdemeanor conviction sentences could affect county jail and local probation supervision costs, which vary by jurisdiction. These costs could increase or decrease depending on the changes made to sentencing and are thus indeterminate. Based on 2022 data, the average cost to State government for felony probation supervision is approximately \$4,800 per probationer per year. Similarly, for the State, a change in in prison intakes could affect the cost of housing a prisoner in a State correctional facility. Currently, the per diem rates for housing a prisoner in a State correctional facility ranges from \$98 to \$192 per day, depending on the security level of the facility. Additionally, any changes to associated fine revenue would affect funding to public libraries.

Date Completed: 6-15-23

Fiscal Analyst: Joe Carrasco, Jr.

SAS\Floors2324\sb376

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.