

**SUBSTITUTE FOR
HOUSE BILL NO. 4384**

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 34b to chapter IX.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

**Sec. 34b. (1) The Michigan sentencing commission shall do all
of the following:**

**(a) Collect, prepare, analyze, and disseminate information
regarding state and local sentencing and release policies.**

**(b) Conduct ongoing research regarding the effectiveness of
the sentencing guidelines in achieving the purposes set forth in
subdivision (d).**

(c) In cooperation with the department of corrections,

1 collect, analyze, and compile data and make projections regarding
2 the populations and capacities of state correctional facilities,
3 the impact of the sentencing guidelines, and the effectiveness of
4 efforts to reduce recidivism. Measurement of recidivism must
5 include, as applicable, analysis of both of the following:

6 (i) Resentence rates and return-to-prison rates.

7 (ii) 1-, 2-, 3-, and 4-year intervals after exiting prison or
8 jail and after entering probation.

9 (d) Develop recommended modifications to the sentencing
10 guidelines. Any modifications to the sentencing guidelines must
11 accomplish all of the following:

12 (i) Provide for the protection of the public.

13 (ii) Consider offenses involving violence against a person or
14 serious and substantial pecuniary loss as more severe than other
15 offenses.

16 (iii) Be proportionate to the seriousness of the offense and the
17 offender's prior criminal record.

18 (iv) Reduce sentencing disparities based on factors other than
19 offense characteristics and ensure that offenders with similar
20 offense characteristics receive substantially similar sentences.

21 (v) Specify the circumstances under which a term of
22 imprisonment is proper and the circumstances under which
23 intermediate sanctions are proper.

24 (vi) Establish sentence ranges for imprisonment that the
25 commission considers appropriate and are permitted by law.

26 (e) Consider the suitability and impact of offense variable
27 scoring with regard to victims and victims' families and victim
28 input and advice regarding sentences.

29 (2) In developing modifications to the sentencing guidelines,

1 the commission shall submit to the legislature a prison and jail
2 impact report relating to any modifications to the sentencing
3 guidelines. The report must include the projected impact on total
4 capacity of state and local correctional facilities.

5 (3) Modifications to sentencing guidelines must include
6 recommended intermediate sanctions for each case in which the upper
7 limit of the recommended minimum sentence range is 18 months or
8 less.

9 (4) Subject to this subsection, the commission may recommend
10 modifications to any law that affects sentencing or the use and
11 length of incarceration. The commission shall not make
12 recommendations that would change the body of enumerated criminal
13 offenses as defined by the legislature. The commission shall not
14 make a recommendation for any policy implementing any behavioral or
15 programming credits. The commission shall not make a recommendation
16 that would retroactively change existing sentences already imposed
17 on an individual. The recommendations must reflect all of the
18 following policies:

19 (a) To render sentences in all cases within a range of
20 severity proportionate to the gravity of offenses, victim input,
21 and the blameworthiness of an offender.

22 (b) When reasonably feasible, to achieve offender
23 rehabilitation, general deterrence, incapacitation of dangerous
24 offenders, restoration of crime victims and communities, and
25 reintegration of offenders into the law-abiding community.

26 (c) To render sentences no more severe than necessary to
27 achieve the applicable purposes in subdivisions (a) and (b).

28 (d) To preserve judicial discretion to individualize sentences
29 within a framework of law.

1 (e) To produce sentences that are uniform in their reasoned
2 pursuit of the purposes in subsection (1).

3 (f) To eliminate inequities in sentencing and length of
4 incarceration across population groups.

5 (g) To promote research on sentencing policy and practices,
6 including assessments of the effectiveness of criminal sanctions as
7 measured against their purposes.

8 (5) The commission shall submit any recommended modifications
9 to the sentencing guidelines or to other laws to the senate
10 majority leader, the speaker of the house of representatives, and
11 the governor.

12 (6) By December of each year, the commission shall submit to
13 the legislature, the governor, and the Michigan supreme court a
14 report on the implementation of legislative policies adopted in the
15 current legislative session affecting the criminal justice system.
16 The report must include, but need not be limited to, all of the
17 following:

18 (a) Education of practitioners on changes in legislative
19 policy, including changes in criminal statutes and an analysis of
20 the expected impact of those changes on prison and jail populations
21 and the average length of the sentences imposed.

22 (b) The length of probation supervision terms imposed.

23 (c) The number of noncompliance, risk, and major risk
24 sanctions imposed on the probation population.

25 Enacting section 1. This amendatory act does not take effect
26 unless House Bill No. 4173 of the 102nd Legislature is enacted into
27 law.