



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 262 (Substitute S-2 as passed by the Senate)
 Sponsor: Senator Philip E. Hoffman
 Committee: Judiciary Date Completed: 5-22-95

RATIONALE

The Department of Corrections (DOC) spends about \$2 million annually to contract with community colleges and four-year higher educational institutions to provide college-level courses that are mandated by Federal court decree. For the past few years, DOC appropriations bills have specified that the Department cannot use public funds to provide college instruction to prisoners, except as Federally mandated. Some people believe that giving convicted felons the opportunity for a college education while serving their prison sentence is unwarranted and inherently unfair. Although the State must comply with Federal mandates that college instruction be provided in some circumstances, those who oppose State-funded higher education for incarcerated felons believe that the prohibition against the DOC's paying for a prisoner's college education should be codified in statute, so that a yearly renewal of the prohibition would not have to be enacted in the DOC budget bill, and so that the prohibition would apply to all prisoners if the court orders were lifted.

CONTENT

The bill would amend the Department of Corrections law to prohibit the Department from allowing college-level courses of instruction to be provided to prisoners incarcerated in State correctional facilities unless otherwise required by Federal law or Federal court decree. The bill would not prohibit, however, a prisoner from enrolling in a postsecondary or college-level course of instruction, at his or her own expense, if otherwise allowed by the DOC.

Proposed MCL 791.268

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

A college education can be very expensive and most people have to save and sacrifice in order to pay tuition. Victims of crime are not offered any special services to pay for their education. To provide this perk to criminal perpetrators, then, is patently unfair and is completely inconsistent with the notion of imposing punishment for a person's wrongdoing. Convicted felons are sent to prison to be punished for their criminal actions. Giving them the opportunity for a free college education, in essence, rewards them for being imprisoned. Although the DOC must provide for college instruction for some prisoners, pursuant to a Federal consent decree and Federal court order, Michigan law should prohibit prisoners from receiving free college instruction in all other cases. The bill would accomplish this goal, without completely denying prisoners educational opportunities. The bill specifically would allow prisoners to enroll in college-level courses, at their own expense, if otherwise allowed by the DOC.

Response: People who have erred deserve a second chance. Educational opportunities can provide a basis for leading a more productive lifestyle. Denying education to people denies them the opportunity to participate legitimately in society.

Opposing Argument

Many prisoners are sorely lacking in educational experience. This deficiency may be at the root of their criminal behavior. Most would agree that an education is an asset in competing for jobs and staying out of legal trouble. Providing educational

opportunities to prisoners, then, is not a perk, but an investment in the future. Most prisoners eventually will be released back into the community, and an education would give them the opportunity to compete in the job market and be productive members of society. If released prisoners had greater job opportunities, recidivism rates could be reduced, which would reduce prison costs.

Response: The bill would not reduce basic educational opportunities for prisoners, but pertains only to free *college* instruction. Providing some prisoners with a college education does not address the problem of prisoners who lack a basic education. Indeed, if the State did not spend money on college courses for prisoners, more resources could be available for offering prisoners basic literacy training and GED attainment.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The Department currently provides college-level courses to prisoners only at those institutions that are covered by either Federal court consent decree or court order. While the consent decree does not speak to college-level courses specifically, it does require continuation of certain forms of out-of-cell activity, one of which is college education course work. (The *Glover* Federal court order, which deals with parity issues for women prisoners, also requires college courses for women prisoners.)

If in the future, however, the court orders were to be lifted, the bill would prohibit the Department from providing these courses, if the Department chose to do so. The Department spends nearly \$2.0 million each year to contract with local community colleges and four-year institutions to provide these college-level courses.

Fiscal Analyst: M. Hansen

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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.