



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 934 (Substitute S-2 as reported)
Sponsor: Senator Rick Jones
Committee: Michigan Competitiveness

CONTENT

The bill would amend Chapter XI (Probation) of the Code of Criminal Procedure to allow the court to reduce a defendant's term of probation by up to 100%, after the defendant had completed half of the original felony probation period, as follows:

- The Department of Corrections (DOC) could notify the sentencing court after the defendant had completed half of the original probation period.
- The court could reduce the term of probation after a hearing, if the court determined that the defendant's behavior while on probation warranted a reduction and the probation officer in the case recommended the reduction.
- The victim would have to be notified of the date and time of the hearing and given an opportunity to be heard, and the court would have to consider the impact on the victim of reducing the defendant's term of probation.
- The court would have to notify the prosecuting attorney and the defendant, or his or her attorney, at least 28 days before reducing or terminating a period of probation or conducting a review, and the DOC would have to notify the victim.
- The DOC would have to report annually to the Senate and House committees concerning the judicial or criminal justice the number of defendants referred to the court for a hearing under the bill and the overall reduction of days supervised.
- The State Court Administrative Office would have to report annually to the committees concerning the judiciary the number of probationers who were released early from probation.
- If the court reduced a defendant's probationary term, the period of reduction would have to be reported to the Department.

The provisions allowing a reduction in a defendant's term of probation would apply except as provided in Section 2a of Chapter XI or Section 36 of Chapter VIII (Trials). (Section 2a specifies maximum or minimum periods of probation for stalking, aggravated stalking, fourth-degree child abuse, and a "listed offense" under the Sex Offenders Registration Act. Under Section 36, a defendant who has been found guilty but mentally ill may be placed on probation for at least five years, under certain circumstances.)

MCL 771.2

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have a positive fiscal impact on the State, though the amount is indeterminate, and it would likely have a positive fiscal impact on local government. It is not known how many probationers would have their terms of probation reduced in a given year or by how much. The current cost to the Department of Corrections to supervise a felony probationer is approximately \$3,024 per year. The average number of individuals under probation supervision in 2014 was 49,643, although some were for offenses that would be excluded

from the provisions of the bill. If every one of those probationers had his or her term of probation reduced by 50%, which would be the maximum allowed by the bill, the number of probationers would be reduced to 24,822, resulting in savings of \$75,058,704 per year. This figure represents the absolute high limit for savings, and the actual savings would be less because not all probationers would qualify to have their terms reduced and not all who had their terms reduced would have them reduced by the maximum amount.

While the State handles the supervision of all individuals sentenced to felony probation, local units of government also would likely realize savings from having fewer individuals on probation. These savings could be in the form of reduced resource requirements from law enforcement, courts, and jails related to probation violations. The amount of savings would vary by jurisdiction, depending on how many probationers are currently in the jurisdiction, how many individuals would no longer be on probation because of the bill, and the costs of current probationers.

The additional reporting requirements for the State Court Administrative Office and the Department of Corrections would result in minimal administrative costs that would be absorbed within current appropriations.

Date Completed: 5-26-16

Fiscal Analyst: Ryan Bergan

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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.