



**House
Legislative
Analysis
Section**

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**CLARIFICATION OF SENTENCES:
CONCURRENT OR CONSECUTIVE**

House Bill 5396

Sponsor: Rep. James McNutt

Committee: Judiciary and Civil Rights

Complete to 11-30-95

A SUMMARY OF HOUSE BILL 5396 AS INTRODUCED 11-5-95

House Bill 5396 would amend the Department of Corrections act to allow a correctional facility to establish a presumption that, where it is not otherwise indicated, the court intended for a prisoner's sentence to run concurrently with any other sentence the prisoner might also be required to serve. The bill would require the record office of each correctional facility to compute the length of a prisoner's sentence from the certified copy of the judgement of sentence delivered with the prisoner. If the judgement of sentence did not include a statement indicating whether the prisoner's sentence was intended to run concurrently or consecutively, the bill would require the record office to assume that the sentence had been intended to run concurrently.

If either the record office or the classification committee of the correctional facility believed a mistake had been made in the judgement of sentence (that the prisoner's sentence was required to be served consecutively to another sentence and the judgement of sentence failed to reflect that, or if there appeared to have been any other error in the judgement of sentence), the correctional facility could send written notice of the apparent error to the court that had imposed the sentence as well as to the prosecuting attorney for the county from which the prisoner had been committed. However, unless the record office received an amended judgement indicating otherwise, the record office would still be required to compute the sentence as though it were intended to run concurrently.

MCL 791.264

House Bill 5396 (11-30-95)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.