

Legislative Analysis



DEFINITION OF CORRECTIONS OFFICER

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Senate Bill 1508

Sponsor: Sen. Michelle A. McManus

House Committee: None (Placed Directly on House Calendar)

Senate Committee: Judiciary

Complete to 12-8-06

A SUMMARY OF SENATE BILL 1508 AS PASSED BY THE SENATE 12-6-06

BACKGROUND INFORMATION:

The bill is a companion to House Bills 6631 and 6632, both of which have passed the House and are awaiting Senate floor action. House Bill 6631 would amend the Michigan Penal Code to revise the penalty for a prison break and revise the definitions of "place of confinement" and "youth correctional facility" to reflect the closure of the Michigan Youth Correctional Facility in Baldwin and the provisions in Public Act 351 of 2006 that authorize the private vendor that operated the Baldwin facility to now house at that facility detainees or inmates from other local, state, or federal agencies. House Bill 6632 would place the maximum term of imprisonment for a prison break into the sentencing guidelines.

Senate Bill 1508 is nearly identical to a third bill in the package, House Bill 6662, which has been reported by the House Judiciary Committee. The bills make similar technical changes to another section of law pertaining to assaults by prisoners on correctional officers in state-operated facilities.

CONTENT:

Senate Bill 1508 would amend Public Act 118 of 1893, which consolidates the law relative to state prisons, state houses of corrections, and branches of state prisons and reformatories.

The bill would make numerous changes of an editorial nature to a section that requires corrections officers to use all suitable means to defend themselves, enforce discipline, secure offenders, and prevent escapes. Currently, suitable means must be used to enforce discipline when a prisoner disobeys any reasonable command; this would be changed to "disobeys a lawful command."

The bill would also revise the definition of "correctional facility" and add a definition of "corrections officer" that would conform to the changes brought about by the closure of the Michigan Youth Correctional Facility and subsequent enactment of Public Act 351 of 2006.

"Correctional facility" would be defined as a state facility that housed prisoners committed to the jurisdiction of the Department of Corrections, a state youth correctional facility operated by the DOC, or a correction facility operated by a private vendor authorized under the law of the state to receive prisoners.

"Corrections officer" would mean either a state correctional officer as defined in Section 2 of the Correctional Officers' Training Act or a correctional officer employed by a privately-operated correctional facility authorized to house prisoners under state law.

MCL 800.41

FISCAL IMPACT:

The bill would have no fiscal impact on state or local units of government.

POSITIONS:

The following indicated support for the companion House Bills 6631 and 6632:

The Michigan Department of Corrections (11-29-06)

The GEO Group, Inc. (11-29-06)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Marilyn Peterson

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