

BOOT CAMP: EXPAND ELIGIBILITY

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6476 as introduced
Sponsor: Rep. Paul Condino
Committee: Judiciary

Second Analysis (11-24-08)

BRIEF SUMMARY: The bill would expand eligibility for boot camp placement by specifying that certain listed crimes would only disqualify a prisoner from placement if he or she had previously served, or was currently serving, a prison sentence for a listed crime.

FISCAL IMPACT: According to the Department of Corrections, since June there have been 417 prisoners screened for boot camp who were rejected due to a prior non-prison sentence for one of the prohibited crimes (a limited number of these might not have been placed anyway, due to a failure to meet other criteria, such as judicial permission). Of the 417, 145 were prisoners who were in prison for the first time ("A-prefix" prisoners) and who thus would have been eligible prior to June 2008.

The Department of Corrections reports that the bill is needed to achieve the 400-bed impact that was projected in conjunction with enactment of enrolled HB 4184, which extended boot camp eligibility to prisoners who had once previously been in prison. Since Fiscal Year 2006-07, the Corrections budget has assumed that costs of \$4.0 million would be avoided through about 400 prisoners being placed in the boot camp program as a result of statutory changes that made "B prefix" prisoners (prisoners who were in prison for the second time) eligible for the boot camp program.

THE APPARENT PROBLEM:

Public Act 158 of 2008 revised the criteria for eligibility for placement in the Special Alternative Incarceration Program (SAI), also known as "boot camp". Previously, only prisoners on probation or serving their first prison sentence were eligible for boot camp. Among other things, PA 158 expanded the eligibility to persons serving a second prison term.

Before enactment of PA 158, a prisoner serving a sentence for any one of numerous listed offenses was ineligible for placement in boot camp. These offenses included armed robbery, murder, certain sex crimes, and crimes involving explosives. However, a first-time prisoner serving a sentence for a non-listed offense, but who previously had been convicted of one of those listed offenses, was still eligible for placement in boot camp if the sentence for the listed offense had been served in a county jail or if he or she had been placed on probation.

When PA 184 was enacted, this provision was revised to instead specify that only a prisoner who "has not served, and is not serving" a sentence for any of the listed offenses

is eligible for placement – whether he or she is a first-time prisoner or a second-time prisoner. Because the act did not clarify “where” a sentence had been served, it was interpreted to mean sentences served in jail, on probation, or in prison.

As a result, first-time prisoners who used to be eligible for boot camp if a sentence for one of the listed offenses had been served in jail or on probation are no longer eligible, and second-time prisoners who had served a sentence for one of the listed offenses in jail or on probation also are not eligible.

The impact on the Department of Corrections is that almost half of the prisoners who were expected to be eligible for placement in a boot camp under PA 158 are now ineligible. To prevent a situation in which the department runs out of beds, and to stay within the budget for the current fiscal year, the department is requesting that this provision be amended to specify that serving a sentence for a listed offense would only exclude a prisoner if the sentence for that crime had been served or is currently being served in a prison.

THE CONTENT OF THE BILL:

House Bill 6476 would amend the Corrections Code (MCL 791.234a) to revise one of the eligibility criteria for placement in the Special Alternative Incarceration Program (SAI), or boot camp. A prisoner sentenced to an indeterminate term of imprisonment under the jurisdiction of the Department of Corrections is eligible for placement in a boot camp if he or she meets the eligibility requirements specified in the code. Currently, the code excludes from eligibility for placement in a boot camp those prisoners who are serving, or who have served, sentences for certain crimes that include murder, certain sex offenses, riot, arson, crimes involving explosives, and also habitual offenders.

The bill would instead restrict eligibility for boot camp placement to a prisoner who has not served, or is not currently serving, a prison sentence for any of the listed offenses. Thus, under the bill, prisoners who had been convicted of, but had not served time in a prison for, any of the listed offenses would be eligible for placement in a boot camp if they met the other criteria in the code and the placement was approved by a judge.

ARGUMENTS:

For:

In a nutshell, the bill would return to the status quo that existed for first-time prisoners before enactment of Public Act 158 and would put second-time prisoners now eligible for boot camp on equal footing with first-time prisoners. According to the Department of Corrections, the change proposed by the bill is technical in nature and needed to enable the department to recommend for placement in a boot camp the number of individuals projected earlier this year to be eligible. Without the change, only half of the individuals expected to be eligible (about 400) would actually be eligible (about 200).

Against:

Some have expressed concerns that the bill does not represent agreements reached during the conference committee on House Bill 4184, which became Public Act 158, and that the bill therefore changes the intent of PA 158.

POSITIONS:

The Department of Corrections supports the bill. (9-24-08)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Marilyn Peterson

■ 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.