

Legislative Analysis



ALLOW GOOD TIME CREDITS AND COMMUNITY PLACEMENT FOR PRISONERS

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House Bills 4497-4499

Sponsor: Rep. George Cushingberry, Jr.
Committee: Judiciary

Complete to 11-17-09

A SUMMARY OF HOUSE BILLS 4497-4499 AS INTRODUCED 3-3-09

The bills constitute a package of legislation that would allow "good time" credits for prisoners and allow community placement for prisoners meeting certain criteria. References to prisoners subject to truth-in-sentencing (which statute calls prisoners "subject to disciplinary time") would be eliminated. None of the bills could take effect unless all were enacted.

House Bill 4497 would amend the Department of Corrections act (MCL 791.220g, et al.) allow current and future prisoners to receive "good time" credits consistent with HB 4498 and to be placed in community placement under certain circumstances. Among other things, the bill would:

- Delete references to the "disciplinary credits" system that replaced the older "good time" system which was eliminated for certain violent felons by Ballot Proposal B of 1978, and subsequently eliminated for all felons in 1987.
- Repeal 791.233b, which was added by Ballot Proposal B of 1978.
- Delete references to prisoners subject to truth-in-sentencing.
- Allow a prisoner (including one sentenced under truth-in-sentencing) to be paroled prior to serving the minimum term imposed by the court.
- Allow community placement for prisoners currently ineligible due to having been sentenced under truth-in-sentencing. Other existing criteria for community placement would continue to apply.
- Eliminate the requirement that a prisoner sentenced under truth-in-sentencing serve his or her minimum sentence in a secure correctional facility (the definition of which describes a prison or camp).

House Bill 4498 would amend the prison code (MCL 800.33, et al.) to allow "good time" credits to be earned by prisoners who otherwise would be ineligible to receive them (whether through Proposal B, disciplinary credits, or truth-in-sentencing). Each prisoner could accumulate "good time" sentence reductions earned for months in which he or she remained

free of major misconducts. The monthly credit would range from 5 days during a prisoner's first and second years to 15 days during the twentieth and subsequent years, as follows:

Year of Sentence	Monthly Credit
1 st or 2 nd	5 days
3 rd or 4 th	6 days
5 th or 6 th	7 days
7 th through 9 th	9 days
10 th through 14 th	10 days
15 th through 19 th	12 days
20 th and beyond	15 days

Good time would be deducted from a prisoner's minimum and maximum sentence in order to determine parole eligibility and maximum discharge ("max-out") dates. Existing provisions for forfeiture of good time and the award of special good time would apply to prisoners made eligible for good time under the bill. The bill also would eliminate provisions for the disciplinary credits system that replaced the older good time system. The Department of Corrections would recalculate parole eligibility and discharge dates for each prisoner serving on the bill's effective date who became eligible for good time credits as a result of the bill.

House Bill 4499 would amend the Code of Criminal Procedure to delete references to prisoners subject to truth-in-sentencing (MCL 769.12).

(Note: it appears that enactment of House Bills 4497 and 4498 would be subject to Article II, Section 9, of the Michigan Constitution, which requires amendment or repeal of an initiated law to be approved by three-fourths of the members elected to and serving in each house.)

FISCAL IMPACT:

Absent a detailed data analysis, the Department of Corrections has estimated that the bills could reduce the prison population by about 7,550 within four to six months after enactment. Based in part on assumptions that the average time served to the date of parole eligibility would be about 85% of the minimum sentence, and that about 70% of those eligible would be approved for parole, the Department has estimated that application of good time credits could reduce the prison population by about 5,650. Reinstatement of community placement for eligible prisoners could reduce the prison population by an estimated 1,900 inmates.

The Department has estimated that net cost savings under the bills could be about \$107 million annually. Actual cost savings in the first fiscal year of implementation would depend not only on how many prisoners were affected, but also on when the bills were enacted, how quickly affected prisoners could be processed, and how quickly and at what costs appropriate community placements and supervision could be established. Assuming that 7,550 prison beds could be closed by April 1, 2010, the Department has estimated the potential FY 2010 savings under the bill to be approximately \$42 million.

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■ 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.