

# Legislative Analysis



## ELIMINATE PRISONER BOOT CAMP SUNSET

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**House Bill 4538 (H-1) as reported from Committee**

**Sponsor: Rep. Rick Jones**

**Committee: Appropriations**

**Complete to 6/23/10**

### A SUMMARY OF HOUSE BILL 4538 (H-1)

The bill would amend the Corrections Code (MCL 791.234a) to eliminate a sunset of September 30, 2010 on prisoner participation in the special alternative incarceration (SAI, or "boot camp") program. Prisoners participating in the SAI program typically serve 90 days in the program, and state law limits participation to no more than 120 days. Upon successful completion, the prisoner is then placed on parole for at least the remainder of their minimum sentence, with the first 120 days of parole under intensive supervision.

A September 30, 2009 sunset was placed on the prisoner program by 2008 PA 158, which also extended prisoner SAI eligibility to prisoners serving their second prison sentence. That sunset was later extended to September 30, 2010 and eligibility was again limited to first-time prisoners by 2009 PA 107.

The bill also makes one change to current law regarding eligibility for the SAI program. Under current law, a prisoner serving a sentence for breaking and entering involving an occupied home under MCL 750.110 must have a minimum sentence of 24 months or less to be eligible for SAI. For all other eligible crimes, the minimum sentence must be 36 months or less to be eligible. The bill changes current law to also require a minimum sentence of 24 months or less for prisoners who are serving a sentence for violation of MCL 750.110a (home invasion).

### FISCAL IMPACT

As of June 18, 2010, there were 196 prisoners (171 men, 25 women) and 150 probationers (127 men, 23 women) in the SAI program, for a total program population of 346. If the September 30, 2010 sunset provision is not eliminated, the facility would no longer be authorized to house offenders sentenced to prison, although the facility would be able to continue to serve probationers. Prisoners not served in SAI would likely be sent to another MDOC facility to serve out at least their minimum sentence. Thus, the regular prison population would increase, as would the length of stay of these prisoners, who currently participate for 90 days in the SAI program.

A February 1, 2010 prisoner population projection analysis submitted by the Department of Corrections projects that if prisoner placements in the SAI program were to cease as of October 1, 2010, it would result in an additional 1,285 occupied prison beds by the end of FY 2010-11. In the long run, the prison population is estimated to stabilize with roughly 1,621 additional beds occupied.

Enactment of the bill would allow avoidance of the cost of prison beds that otherwise would have to be returned to service. The cost of the additional prison beds during FY 2010-11 would be roughly \$15 to \$19 million; actual costs would depend on the security levels of the affected prisoners, staffing levels, and which prisons or housing units were reopened. In the long run, an additional 1,621 beds would add an annual cost of between \$33 million and \$40 million.

The Department of Corrections reports that during FY 2008-09, the SAI program cost \$91.62 per offender per day on average. Assuming the prisoner population at the SAI facility will remain at around 196 prisoners, SAI costs of serving these prisoners would be around \$6 million per year. Net annual cost avoidance under the bill therefore would be approximately \$27 to \$34 million.

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