



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1307 (as enacted)
Sponsor: Senator Rick Jones
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 613 of 2012

Date Completed: 3-27-13

CONTENT

The bill amended Public Act 60 of 1962, which provides for the day release of prisoners in county jails, to require verification that a convicted felon is currently employed or enrolled in school before his or her release from jail under the Act. The bill also makes release for work or school contingent upon the county sheriff's approval.

The Act allows a sentence or commitment of a person to a county jail to grant the person the privilege of leaving jail during necessary and reasonable hours for any of the following purposes:

- Seeking employment.
- Working at his or her employment.
- Conducting his or her own self-employed business or occupation, including housekeeping and caring for the needs of his or her family.
- Attendance at an educational institution.
- Medical treatment, substance abuse treatment, mental health counseling, or psychological counseling.

A person may petition the court for the day-release privilege at the time of sentence or commitment, and the court may renew the petition at its discretion. The court may withdraw the privilege at any time, with or without notice.

Under the bill, before a convicted felon is released from jail to attend work or school, the court, at the time of sentencing, must order the Department of Corrections (DOC) to verify that the person is currently employed or currently enrolled in school as applicable. The requirement for verification by the DOC does not apply, however, if the county sheriff has provided or will provide verification. If required, the DOC must give the verification to the court within seven days after the order is issued. The court may not order a person to be released to attend work or school unless the county sheriff or the DOC has determined that the person is currently employed or currently enrolled in school, as applicable. The court's order of release must be contingent at all times upon the approval of the county sheriff.

The bill defines "school" as any of the following:

- A school of secondary education.
- A community college, college, or university.
- A State-licensed technical or vocational school or program.

-- A program that prepares the person for the General Education Development (GED) test.

The bill took effect on March 1, 2013.

MCL 801.251

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could result in an indeterminate increase in administrative costs to the Department of Corrections due to the added workload of verifying school enrollment or employment. Department field operations agents typically investigate and put together a presentencing investigation report to assist the judge in sentencing. Therefore, in some cases, the employment or school enrollment may already be verified before the consideration of work release. However, if sufficient time elapses before the consideration of work release, and the county sheriff has not already provided verification, the court could require additional investigation or reverification, which would result in an added burden to Department of Corrections field operations staff. It is unclear at this time whether the responsibilities can be absorbed by current staff and appropriation levels.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.