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BILL ANALYSIS



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Senate Bill 1307 (as introduced 9-25-12)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 9-25-12

CONTENT

The bill would amend Public Act 60 of 1962, which provides for the day release of prisoners in county jails, to require verification that a convicted felon was employed or enrolled in school before his or her release from jail under the Act. The bill also would make 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 was released from jail to attend work or school, the court would have to order the Department of Corrections (DOC) to verify that the person was employed or enrolled in school. The DOC would have to give the verification to the court within seven days after the order was issued. The court could not order a person to be released to attend work or school unless the DOC had determined that the person was employed or enrolled in school, as applicable. The court's order of release would have to be contingent at all times upon the approval of the county sheriff.

The bill would define "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.

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. Under the status quo, Department field operations agents typically investigate and put together a pre-sentencing 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 were to elapse before the consideration of work release, the court could require additional investigation or re-verification, which would result in an added burden to Department of Corrections field operations staff. It is unclear at this time whether the responsibilities could be absorbed by current staff and appropriation levels.

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