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BILL ANALYSIS



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House Bill 5582 (Substitute S-1 as reported)
House Bill 5585 (as reported without amendment)
Sponsor: Representative Joe Haveman (H.B. 5582)
Representative Kurt Heise (H.B. 5585)
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

House Bill 5582 (S-1) would amend the Holmes Youthful Trainee Act within the Code of Criminal Procedure to delete an option of committing a person on youthful trainee status to the Department of Corrections for up to three years in a facility designated for that purpose.

Under the Act, if an individual pleads guilty to a criminal offense and meets criteria in the Act, the court may, without entering a judgment of conviction and with the individual's consent, consider and assign that individual to youthful trainee status.

If a person is assigned to youthful trainee status and the underlying charge is an offense punishable by imprisonment for a term of more than one year, the court must do one of the following:

- Commit the person to the Department of Corrections for custodial supervision and training for up to three years in an institutional facility designated by the Department for that purpose.
- Place the person on probation for up to three years subject to conditions of probation, which may include participation in a drug treatment court.
- Commit the person to the county jail for up to one year.

The bill would delete the first option listed above.

House Bill 5585 would amend the Holmes Youthful Trainee Act to require a court to revoke a person's youthful trainee status if the person were convicted of a crime specified in the bill during the period the court considered or assigned that status.

Under the Act, the court having jurisdiction over the criminal offense that led to youthful trainee status may, at any time, terminate its consideration of the person as a youthful trainee or, after assigning the person to that status, revoke youthful trainee status at any time before the person's final release.

The bill would require a court that assigned a person to youthful trainee status to revoke the person's status if he or she were convicted of any of the following during the period of consideration or assignment:

- A felony for which the maximum penalty is imprisonment for life.
- A major controlled substance offense.
- Felonious assault, assault with intent to do great bodily harm, or unarmed assault with intent to rob and steal.

- First-, second-, or third-degree home invasion.
- Possession of a firearm or distribution of ammunition by a person convicted of a felony.
- Carrying a firearm or dangerous weapon with unlawful intent.
- Unlawful carrying of a concealed weapon.
- Possession of a pistol, while not engaged in business, by a person licensed to carry a pistol because he or she is in the business of protecting another person or another person's property.
- Carrying or possessing a firearm when committing or attempting to commit a felony.
- Committing, attempting, or conspiring to commit criminal sexual conduct (CSC), or assault with intent to commit CSC, other than a third-degree violation involving a victim at least 13 years of age but under 16 or a fourth-degree violation involving a victim at least 13 but under 16 and an offender who is five or more years older than the victim.

MCL 762.13 (H.B. 5582)
762.12 (H.B. 5585)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 5582 (S-1) could generate fiscal savings to the State's corrections budget and could increase the cost to local government. The amount of savings would be contingent upon the number of offenders who no longer would be committed to a Michigan Department of Corrections institutional facility for custodial supervision and training. Currently, for felony sentence convictions, in the short term, the marginal cost to the State is approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to the State is approximately \$31,100 per additional prisoner per year. Since the bill still would allow a person assigned trainee status to be placed in a county jail, costs to local law enforcement could increase if those who would have otherwise been placed in a Michigan Department of Corrections facility were placed in a county jail instead.

House Bill 5585 could have a negative impact on the State's corrections budget. Currently, a person's youthful trainee status may be revoked if there is a new offense. The bill would require the trainee status to be revoked and the person sent to prison if he or she committed an offense listed in the bill. New felony convictions would result in costs to the State, described above. With any increase in the number of felony and misdemeanor cases, costs to local courts and law enforcement also could increase.

Date Completed: 12-16-14

Fiscal Analyst: John Maxwell

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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.