



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

## BILL ANALYSIS



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

Senate Bill 938 (as passed by the Senate)  
Sponsor: Senator Patrick J. Colbeck  
Committee: Michigan Competitiveness

Date Completed: 8-24-16

### **CONTENT**

**The bill would enact the "Criminal Justice Data Collection and Management Act" to provide for the daily collection and reporting of data related to crimes, offenders, and recidivism. Specifically, the bill would do the following:**

- **Create the Criminal Justice Data Collection and Management Program in the Legislative Council.**
- **Require the Program to be implemented in at least one county that would work in coordination with State agencies and departments.**
- **Require the Legislative Council to appoint a State operations team that would oversee the activities of a State project team and county operations teams.**
- **Require the participating counties to collect offender data, case data, program data, and crime data, and provide the data to the State operations team on a daily basis.**
- **Require the State Court Administrative Office and the Department of Correction to collect rearrest, reconviction, and reincarceration recidivism data and provide the data to the State operations team on a daily basis.**
- **Require the State operations team to provide the data to the Department of Technology, Management, and Budget (DTMB), which would have to house and maintain the data.**
- **Permit the DTMB to provide access to the data only to members of the Department and the Legislative Council.**
- **Require the participating counties to be provided necessary grant funding, by appropriation.**

The bill would take effect 90 days after enactment.

#### Program Creation & Implementation

The Criminal Justice Data Collection and Management Program would be created in the Legislative Council. The Program would have to be implemented in at least one county, selected by the Legislative Council in consultation with the county's governing body. The county would have to work in coordination with State agencies and departments, including the State Court Administrative Office (SCAO), the DTMB, and the Department of Corrections (DOC).

Within 60 days after the bill's effective date, the Legislative Council would have to appoint a State operations team, which would have to oversee the work activities of the State project team and the county operations teams.

"State operations team" would mean a group of individuals, or an individual, appointed by the Council to execute State-level data collection processes and criminal justice data collection processes and to manage the collection of data from counties participating in the proposed Program and from State departments and agencies, including the SCAO, DTMB, and DOC.

"State project team" would mean a group of individuals, or an individual, appointed by the Council to develop and assist in the implementation of processes and technology improvements that facilitate the collection of criminal justice data from participating counties and State agencies and departments, including the SCAO, DTMB, and DOC.

"County operations team" would mean a group of individuals, or an individual, selected by the governing body of a participating county to work in coordination with the State project and State operations teams to implement the proposed Program.

(The Legislative Council is a body created by the Michigan Constitution and statute, and consists of six members of the Senate appointed by the Senate Majority Leader and six members of the House appointed by the Speaker of the House. At least two members appointed by each leader must be members of the minority party. The Council must appoint an administrator who is the chief executive officer of all Council agencies.)

### County Data Collection

The counties participating in the proposed Program would be required, through their county operations teams, to collect and provide the following data to the State operations team on a daily basis:

- Offender data, including crimes committed by an offender, facilities in which an offender was placed, and programs in which an offender participated.
- Case data, including crimes of conviction, sentences imposed, the location where crimes occurred, the court where the criminal matter was disposed of, and the sentencing judge.
- Program data, including program duration and cost; offenders' rearrest, reconviction, and reincarceration recidivism rates after program completion; and offender dropout rate.
- Crime data, including data regarding sentences within or outside of the sentencing guideline ranges, number of felony convictions, and number of misdemeanor convictions.

"Program" would mean educational and vocational training, substance abuse treatment, parenting skills and anger management classes, domestic violence counseling, health education, and sex offender treatment provided to individuals as conditions of probation, parole, or imprisonment.

"Rearrest recidivism", "reconviction recidivism", and "reincarceration recidivism" would mean the rearrest, reconviction, or reincarceration in jail or prison, as applicable, of an offender as measured first after three years and again after five years from the date of his or her release from incarceration, placement on probation, or conviction for a criminal offense, whichever is later, for a new felony or misdemeanor offense, or for a parole or probation violation.

### State Data Collection

The State Court Administrative Office and the Department of Corrections would have to collect the following data and provide the data to the State operations team on a daily basis:

- Rearrest recidivism, reconviction recidivism, and reincarceration recidivism by offense type (the category of a criminal offense as categorized by the DOC).
- Rearrest recidivism, reconviction recidivism, and reincarceration recidivism by risk assessment level as determined by the Parole Board before the grant of parole.

The State operations team would have to collect the data provided by participating counties, the SCAO, and the DOC, and provide the data to the DTMB on a daily basis. The DTMB would have to house and maintain the data.

The DTMB could allow access to the data collected under the proposed Act only by members of the Department and the Legislative Council.

### County Grant Funding

Based on the recommendation of the State operations team, the counties participating in the Criminal Justice Data Collection and Management Program would have to be provided, by appropriation, with any necessary grant funding to implement technological changes to county data collection systems and to implement additional data collection and new data collection practices.

The Legislative Council would have to distribute and manage grants appropriated for participating counties.

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would have a fiscal impact on State and local government. Supplemental funding totaling \$500,000 has been appropriate in Public Act 268 of 2016, Article XX. The supplemental funding for the Legislative Council would pay for the functions of the Criminal Justice Data Collection and Management Program that the bill would create. A portion of the appropriated funds would be used by the Council for the operation of the Program to provide grants to local governments. There also could be associated costs to other State departments, such as Corrections and Technology, Management, and Budget in the future. The Departments have stated, however, that current appropriations should be sufficient to cover initial costs. According to the Department of Corrections, it already collects the data described in the bill, so there should be no additional costs.

Fiscal Analyst: Joe Carrasco  
Ryan Bergan

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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.