



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1028 (as reported without amendment)
Sponsor: Senator Steven Bieda
Committee: Judiciary

Date Completed: 10-3-16

RATIONALE

According to the National Registry of Exonerations, a project of the University of Michigan Law School, almost 1,900 people who have been convicted of crimes nationwide were exonerated between 1989 and September 2016. Sixty-six of those exonerations occurred in Michigan. These are cases of people who were convicted but later cleared of charges based on new evidence of innocence. In addition to losing their liberty, they lost out on career opportunities and, in many cases, their friendships and family relationships suffered. Like parolees, exonerated prisoners face challenges in returning to the community, such as finding housing and employment, but unlike parolees, they do not receive any assistance from the Department of Corrections (DOC) to help them in adjusting to life outside of prison. It has been suggested that the DOC be required to provide reentry services to exonerated prisoners.

CONTENT

The bill would amend the Corrections Code to do the following:

- **Require the Department of Corrections to provide reentry services and vital documents to a prisoner who was discharged because his or her conviction or sentence was reversed, vacated, or overturned.**
- **Require the DOC to assign staff to ensure that those services and documents were provided to a prisoner who was eligible for them.**
- **Require a prisoner who received services under the bill to repay the DOC if his or her conviction were reinstated or he or she were resentenced and returned to DOC custody for the same conviction.**

Specifically, the bill would require the DOC to provide all of the following to a prisoner who was discharged from custody before his or her maximum discharge date without being granted parole because the prisoner's conviction or sentence had been reversed, vacated, or overturned:

- Reentry services, excluding housing, consistent with the services received by parolees, for a period of up to two years following the date of discharge.
- Reentry housing, consistent with the transitional housing provided to parolees, for up to one year following discharge.
- Vital documents, including the prisoner's birth certificate.

The DOC would have to assign staff to ensure that a prisoner eligible for services and documents under the bill was given them in a timely manner.

A prisoner who received reentry services under the bill and whose conviction was subsequently reinstated or who was resentenced and returned to DOC custody for the same conviction that previously was reversed, vacated, or overturned would have to repay the Department for all reentry services that he or she received. The DOC would have to determine the amount the prisoner owed.

The bill would take effect 90 days after its enactment.

MCL 791.283

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Exonerated prisoners can face tremendous difficulty in reintegrating into society. Typically, they have some of the same challenges as people who are released from prison on parole, such as finding housing and employment, but they are not entitled to the services that other released prisoners receive. Like parolees, exonerated prisoners return to their communities with little or no resources to reconnect with potential employers or housing providers. Through its prisoner reentry program, however, the DOC helps guide parolees in their transition back into the community. According to the DOC's prisoner reentry model, "The community and discharge phase begins when the prisoner is paroled from prison and continues until discharge from community supervision. During this phase, the parolee, the parole officer, human services providers and the offender's personal support network must collaborate to optimize the parolee's chances for a successful adjustment to community living." Exonerated prisoners do not receive any of those services, but may need them as much as a paroled prisoner. By requiring the DOC to provide reentry services to exonerated prisoners, the bill would ensure that they were treated at least as well as parolees in trying to acclimate to living and working outside of prison.

Supporting Argument

The State has a moral responsibility to assist in restoring liberties upon exoneration to those who have been wrongly convicted and incarcerated, to the extent possible. Together with Senate Bill 291, which would provide for financial compensation from the State to exonerated prisoners, Senate Bill 1028 would take steps toward easing a wrongfully convicted prisoner's readjustment to society.

Response: More needs to be done, in addition to providing reentry services and financial compensation, to help exonerated prisoners become active, productive members of society. For instance, an official with the Cooley Innocence Project at Western Michigan University Cooley Law School testified before the Senate Judiciary Committee that a client's criminal history still showed a conviction upon a background search of certain publicly available websites, despite the fact that he had been exonerated more than two years earlier. This inaccurate record reportedly is making it difficult for the exoneree to find work and to meet obligations to his family.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a negative, though likely negligible, fiscal impact on the State and no fiscal impact on local government. According to the National Registry of Exonerations, a project of the University of Michigan Law School, 25 individuals were released from DOC facilities between 2012 and 2016 because their convictions or sentences were reversed, vacated, or overturned. That gives an average of five individuals per year, with not more than eight in a single year.

According to the DOC, housing contracts vary by region, but a daily rate of \$25 to \$35 is a reasonable estimate. If an individual used transitional housing for an entire year, the cost would be \$9,000 to \$13,000. The cost for other reentry services varies greatly depending on what each individual needs. When looking solely at high-need offenders, the average cost would be \$1,500 to \$2,500 per year. The Department currently pays to get birth certificates for all inmates before they are released and assists in getting other documentation needed to obtain a State ID, so the provisions of the bill would have no additional cost from that area.

When taken together, the estimated cost per individual affected by the bill would be between \$0 and \$18,000, depending on the level of services needed. If five to eight people per year needed the maximum level of services required by the bill, the total cost would be \$90,000 to \$144,000 per year, which is 0.37% of the more than \$38.5 million per year that the DOC currently spends on reentry services. Any costs from the bill would be handled within existing appropriations.

Fiscal Analyst: 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.