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BILL ANALYSIS



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Senate Bill 1028 (as introduced 6-9-16)
Sponsor: Senator Steven Bieda
Committee: Judiciary

Date Completed: 9-1-16

CONTENT

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

- **Require the Department of Corrections (DOC) 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

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.