

Legislative Analysis



REMOVE TERM OF VALIDITY FOR CERTIFICATE OF EMPLOYABILITY

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House Bill 5926 as introduced
Sponsor: Rep. Steve Marino
Committee: Workforce and Talent Development
Complete to 5-18-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5926 would amend the Corrections Code of 1953 to remove the term of validity for a certificate of employability (COE). The bill would take effect 90 days after enactment. (MCL 791.234d)

Public Act 359 of 2014 implemented the requirement that, upon a prisoner's release, the Department of Corrections (DOC) must issue a COE to prisoners who qualify. In order to qualify, the prisoner must have done all of the following:

- Successfully completed a career and technical education course.
- Received no major misconducts during the two years immediately preceding release.
- Received no more than three minor misconducts during the two years immediately preceding release.
- Received a silver level or better on his or her national work readiness certificate or the equivalent on an alternative DOC-administered test.

However, PA 359 provided that the COE would only be valid for four years after the date it is issued unless otherwise revoked by the DOC. The bill would remove this term of validity so that it would be valid indefinitely unless revoked by the DOC.

BACKGROUND:

Certificates of employability are intended to help offenders who are reentering society obtain employment. Employers are less likely to hire those individuals because of the stigma surrounding incarceration and out of a concern that ex-offenders are less trustworthy and likely to re-offend. COEs are intended to ease those concerns for employers. In fact, PA 359's companion bill, PA 360 of 2014, provided that a COE could be introduced as evidence of an employer's due care in hiring an ex-offender, and stated that the COE would indicate that the employer did not act negligently in hiring the ex-offender if a claim against the employer required proof that the employer was negligent for disregarding a prior criminal conviction.

FISCAL IMPACT:

Extending the time frame of validity would not have any fiscal impact on the state or on local units of government.

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