



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

BILL ANALYSIS

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

Senate Bills 5 through 10 (as reported without amendment)
Senate Bill 11 (Substitute S-1 as reported)
Senate Bill 12 (Substitute S-1 as reported)
Senate Bills 13 through 24 (as reported without amendment)
Sponsor: Senator John Proos (S.B. 5, 9, 13, 16, 23, & 24)
Senator Tonya Schuitmaker (S.B. 6)
Senator Marty Knollenberg (S.B. 7)
Senator Peter MacGregor (S.B. 8)
Senator Margaret E. O'Brien (S.B. 10)
Senator Patrick J. Colbeck (S.B. 11)
Senator David Knezek (S.B. 12)
Senator Jack Brandenburg (S.B. 13)
Senator Rick Jones (S.B. 14))
Senator Mike Shirkey (S.B. 17)
Senator Ken Horn (S.B. 18)
Senator Dale W. Zorn (S.B. 19)
Senator Dave Robertson (S.B. 20)
Senator Rebekah Warren (S.B. 21)
Senator Bert Johnson (S.B. 22)

Committee: Michigan Competitiveness

Date Completed: 2-1-17

RATIONALE

The Michigan Department of Corrections currently houses approximately 41,000 prisoners. Each year, roughly half of the individuals who enter prison are probation or parole violators. That is, these individuals had been sentenced to a term of probation, or had been incarcerated and released on parole, but then were sent to prison or returned to prison for violating a condition of probation or parole. In some cases, a violation might be another criminal offense, while in others, it might be technical, such as using alcohol or failing to report to a probation officer. On average, approximately 64,000 individuals are being supervised on probation or parole in Michigan. In order to prevent these offenders from being incarcerated, or reincarcerated, many people believe that the State should take additional or different steps to ensure that the individuals are successfully reintegrated into the community. Although various programs already exist, apparently there is a lack of data as to which work and which do not, and it may not be clear why some approaches are effective and others fail. Also, it has been pointed out that there is no standard definition of "recidivism"; although most people understand that the term refers to a return to criminal behavior, it has been suggested that a uniform definition could help policymakers measure the extent to which probationers or parolees commit new crimes and are rearrested and imprisoned, and the extent to which rehabilitation programs are effective. In addition, it has been suggested that sanctions other than incarceration would be appropriate for some parole violators, as well as help reduce the prison population. Some people also believe that it would be useful to have information as to why prisoners are not released on parole when they reach their eligibility date.

Many have recommended the enactment of legislation to address these and related issues, in order to prevent the commission of additional crimes, reduce prison costs, and help probationers and parolees lead productive, crime-free lives.

CONTENT

The bills would enact new statutes and amend existing statutes to do the following regarding parole or probation, or both:

- Create a Parole Sanction Certainty Program, which would use a set of established sanctions to supervise eligible offenders who had been placed on parole.
- Provide for a 30-day maximum period of incarceration for a probationer who committed a technical probation violation, unless he or she had committed five or more such violations.
- Allow a court to reduce a defendant's term of probation by up to 100%, after the defendant had completed half of the original felony probation period, if certain conditions were met.
- Require the Department of Corrections (DOC) to adopt an incentive program that would provide funding to field operations and administration regions that achieved at least a 10% reduction in parole and probation revocations within an 18-month period.
- Provide for the use of evidence-based supervision practices by the DOC and local agencies that receive State funding and supervise individuals on probation or parole; and require the DOC and the agencies to eliminate practices that did not reduce recidivism.
- Define "recidivism".
- Require data regarding recidivism rates collected under several laws to separate data concerning technical violations from data concerning new convictions.
- Create the "Swift and Sure Probation Supervision Fund" and require money in the Fund to be used for grants to fund circuit court programs of swift and sure probation supervision; establish eligibility criteria for individuals to participate in the Swift and Sure Probation Supervision Program; and allow a court receiving a grant to accept participants from other jurisdictions, if various conditions were met.
- Establish procedures that would apply if the Governor requested the Parole Board to expedite the review and hearing process for a reprieve, commutation, or pardon based on a prisoner's medical condition.
- Require the DOC to report quarterly to legislative committees regarding the number of prisoners who had reached their earliest possible release-on-parole date but had not been granted parole.

The bills also would amend or enact statutes to do the following:

- Create a program for the collection and reporting of data related to facility capacity, recidivism, and the application of sentencing guidelines; require the program to be implemented in at least one county; require the collection and reporting of data by the State Court Administrative Office and the DOC; and require the data to be provided to the Department of Technology, Management, and Budget.
- Require the Department of Talent and Economic Development to establish and implement a program that provided grants to employers who hired people who were on probation or parole.
- Require the DOC to allow representatives of various organizations to register with the Department to enter correctional facilities in order to provide inmate reentry services.
- Require the DOC to ensure that prisoners who were approximately 18 to 22 years old were housed only with prisoners of the same approximate age range, and to provide youth rehabilitation programming at a facility housing those prisoners.
- Require DOC field operations administration regions to report quarterly to the Department of Health and Human Services (DHHS) regarding parole absconders who were being actively sought by a law enforcement agency.
- Prohibit the DHHS from granting cash assistance to parole absconders, or granting food assistance to parole absconders who were being actively sought by law enforcement.

- **Allow money in the Crime Victim's Rights Fund to be used for children's advocacy centers to assist children who experienced trauma or abuse as a result of a criminal offense.**
- **Refer to a high school equivalency certificate, rather than a GED certificate, in provisions of the Corrections Code dealing with parole requirements.**

Each bill, except Senate Bill 14, would take effect 90 days after enactment.

Senate Bills 5, 6, and 7

Senate Bills 5, 6, and 7 would amend the Code of Criminal Procedure, the Community Corrections Act, and the Corrections Code, respectively, to define "recidivism", "technical parole violation", and "technical probation violation"; and require data regarding recidivism rates collected under those laws to separate data concerning technical violations from data concerning new convictions.

Each bill would define "recidivism" as the rearrest, reconviction, or reincarceration in prison or jail for a felony or misdemeanor offense or a probation or parole violation, or any combination of those events, of an individual 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, whichever is later.

Under each bill, "technical parole violation" would mean a violation of the terms of a parolee's parole order that is not in and of itself a violation of a law of this State, a political subdivision of this State, another state, or the United States or of tribal law. "Technical probation violation" would mean a violation of the terms of a probationer's probation order that is not in and of itself a violation of a law of this State, a political subdivision of this State, another state, or the United States or of tribal law.

Each bill would require data collected and maintained under the Code or the Act regarding recidivism rates to be collected and maintained in a manner that separated the data regarding technical probation violations and technical parole violations from data on new felony and misdemeanor convictions.

Senate Bill 8¹

The bill would create a new statute to provide for the use of evidence-based supervision practices by an "agency" (the Department of Corrections or a local agency that receives State funding and supervises individuals on probation or parole). Specifically, the bill would do the following:

- Require an agency to adopt policies, rules, and regulations that, within four years, resulted in all supervised individuals being supervised in accordance with evidence-based practices.
- Require evidence-based practices to include a risk and needs assessment tool, assessment scores, definitions of risk levels, the development of case plans, responses to compliant and noncompliant behavior, and other items.
- Provide that, within four years, all State funds spent on recidivism intervention programs would have to be for programs that were in accordance with evidence-based practices.
- Require an agency to eliminate practices that did not reduce recidivism.
- Require an agency to develop policies and rules that improved crime victim satisfaction with the criminal justice system.
- Require an agency to provide its employees with training and professional development services to support the implementation of evidence-based practices.
- Allow the DOC to form partnerships or enter into contracts with institutions of higher education or other qualified organizations for assistance with data collection, analysis, and research.

¹ For a more detailed description of Senate Bill 8, please see the Senate Fiscal Agency's Summary of Introduced Bill in Committee: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/Senate/pdf/2017-SFA-0008-G.pdf>

- Require an agency to provide various officials with an annual report on its efforts to implement the proposed act.

The bill would define "recidivism" as defined in Senate Bills 5, 6, and 7.

Senate Bill 9

The bill would amend the Corrections Code to require the Department of Corrections to allow representatives of various organizations to register with the Department to enter correctional facilities in order to provide inmate reentry services, and require the DOC to develop policies and procedures for screening, approving, and registering organizations and their representatives.

Specifically, subject to the policies and procedures it adopted for screening and approving applicants, the DOC would have to allow representatives from all nonprofit faith-based, business and professional, civic, and community organizations that applied, to be registered with the Department to enter correctional facilities in the State for the purpose of providing inmate reentry services. Reentry services would include, but not be limited to, counseling, the provision of information on housing and job placement, and money management assistance.

The Department would have to develop and adopt policies and procedures for screening, approving, and registering organizations and representatives from the organizations listed above that applied to provide inmate reentry services. The DOC could deny approval and registration to an organization or representative if the Department determined that the organization or representative did not meet its screening guidelines.

The DOC would retain discretion to deny entry into a correctional facility at any time to a representative of a listed organization, regardless of whether he or she previously applied to and was registered with the Department to provide inmate reentry services within a correctional facility.

The DOC would have to post a Department telephone number and provide a registration application on its public internet website for use by representatives from an organization described above who wished to provide inmate reentry services, to obtain information and begin the application process for registration.

The DOC would be prohibited from endorsing or sponsoring any faith-based reentry program or endorsing any specific religious message. The Department also could not require an inmate to participate in a faith-based program.

Senate Bill 10

The bill would amend Chapter III of the Corrections Code, which governs paroles, to require the Department of Corrections to submit a report detailing the number of prisoners who had reached their earliest possible release-on-parole date under the requirements of Chapter III, but who had not been granted parole. The Department would have to submit the report quarterly to the Senate and House committees responsible for legislation concerning corrections issues.

The report would have to categorize the total number of parole denials by the number of prisoners who had been denied parole for the following reason or reasons:

- The nature and circumstances of the offense for which the prisoner was incarcerated at the time of the parole consideration.
- The prisoner's institutional conduct, including the number of major misconduct charges for which the prisoner had been found guilty and security classification increases over the previous five years and the year immediately before parole consideration.
- The prisoner's prior criminal record.
- Other relevant factors under the parole guidelines developed by the Department that the Parole Board considered in denying parole.

"Prior criminal record" would mean the recorded criminal history of a prisoner, including all misdemeanor and felony convictions, probation violations, juvenile adjudications for acts that would have been crimes if committed by an adult, parole failures, and delayed sentences.

Senate Bill 11 (S-1)

The bill would enact the "Criminal Justice Data Collection and Management Program Act" to 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, the State Court Administrative Office (SCAO), and the Department of Corrections to collect data related to facility capacity, recidivism, and the application of sentencing guidelines; and provide the data to the State operations team.
- 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, the SCAO, and the DOC to be provided necessary grant funding, by appropriation.

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 SCAO, the DTMB, and the 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 Legislative 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.

County Data Collection

The counties participating in the proposed Program would be required, through their county operations teams, to collect and provide to the State operations team data that supported the determination of all of the following:

- County jail capacity.
- Rearrest recidivism.
- Reconviction recidivism.

- Reincarceration recidivism.
- The application of sentencing guidelines.

"Rearrest recidivism", "reconviction recidivism", and "reincarceration recidivism" would mean the rearrest, reconviction, or reincarnation 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 and provide to the State operations team data that supported the determination of all of the following:

- State correctional facility capacity.
- Rearrest recidivism.
- Reconviction recidivism.
- Reincarceration recidivism.
- The application of sentencing guidelines.

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, which would have to house and maintain the data.

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

Grant Funding

Based on the recommendation of the State operations team, the counties participating in the Program, as well as the SCAO and the DOC, would have to be provided, by appropriation, with any necessary grant funding to implement technological changes to their 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 the SCAO, the DOC, and the participating counties.

Senate Bill 12 (S-1)

The bill would amend the Corrections Code to establish procedures that would apply if the Governor requested the Parole Board to expedite the review and hearing process for a reprieve, commutation, or pardon based in part on a prisoner's medical condition. The expedited process generally would parallel the current process, but would include several shortened time frames.²

Specifically, upon a request from the Governor for expedited review, within 10 days (rather than 60 days) after receiving an application for a reprieve, commutation, or pardon, the Parole Board would have to conduct a review to determine whether the application had merit.

Within five days (rather than 10 days) after determining that an application had merit, the Board would have to forward a notice and other items to the sentencing judge and the prosecuting attorney of the county having original jurisdiction, or their successors.

² For a more detailed description of the current process, please see the Senate Fiscal Agency's Summary of Introduced Bill in Committee: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/Senate/pdf/2017-SFA-0012-G.pdf>

At least 30 days after receiving that notice, the sentencing judge and the prosecuting attorney could file information at their disposal, as well as any objections. If the judge and the prosecutor did not respond after at least 30 days, the Parole Board would have to proceed.

Within 90 days (rather than 270 days) after receiving an application that the Parole Board determined to have merit, the Board would have to make a full investigation and determination on whether to proceed to a public hearing.

Senate Bill 13

The bill would amend Chapter XI (Probation) of the Code of Criminal Procedure to provide for a 30-day maximum period of incarceration for a probationer who committed a technical probation violation, unless he or she had committed five or more such violations.

The bill would define "technical probation violation" as a violation of the terms of a probationer's probation order that is not in and of itself a violation of a law of this State, a political subdivision of this State, another state, or the United States, or of tribal law.

Beginning on January 1, 2018, a probationer who committed a technical probation violation and was sentenced to temporary incarceration in a State or local correctional or detention facility could be incarcerated for not more than 30 days. After serving the period of temporary incarceration, the probationer could be returned to probation under the terms of his or her original probation order or under a new probation order, at the discretion of the court.

This limit on temporary incarceration would not apply to a probationer who had committed five or more technical probation violations.

These provisions would not prohibit the court from revoking a probationer's probation and sentencing the probationer under Section 4 of Chapter XI for a probation violation at any time during the course of probation.

(That section authorizes the sentencing court to revoke probation if, during the probation period, the court determines that the probationer is likely to engage again in an offensive or criminal course of conduct or that the public good requires revocation of probation. Section 4 also specifies that all probation orders are revocable in any manner the court that imposed probation considers applicable either for a violation or attempted violation of a probation condition or for any other type of antisocial conduct or action on the probationer's part for which the court determines that revocation is proper in the public interest. If a probation order is revoked, the court may sentence the probationer in the same manner and to the same penalty as the court might have done if the probation order had never been made. Section 4 does not apply to a juvenile placed on probation and committed to an institution or agency described in the Youth Rehabilitation Services Act.)

Senate Bill 14³

The bill would create the "Work Opportunity Act" to do the following:

- Require the Department of Talent and Economic Development to establish and implement a work opportunity employer reimbursement program to provide grants to employers for hiring qualified employees (individuals who were on probation or parole).
- Create the "Work Opportunity Employer Reimbursement Fund".
- Allow the Department's Talent Investment Agency to spend money from the Fund, upon appropriation, for grants issued under the Act and for not more than one full-time employee to administer the grant program.

³ For a more detailed description of Senate Bill 14, please see the Senate Fiscal Agency's Summary of Introduced Bill in Committee: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/Senate/pdf/2017-SFA-0014-G.pdf>

- Specify the amount of a grant per employee (as indicated below), but limit grants to not more than \$7,200 per employer per fiscal year.
- Require the Department to prepare an annual report regarding the Fund and submit it to the legislative committees with jurisdiction over corrections issues.

For a qualified employee who worked at least 120 hours but not more than 400 hours, the grant would be an amount equal to 25% of the first-year wages or \$1,500, whichever was less. For a qualified employee who worked more than 400 hours, the grant would be an amount equal to 40% of the first-year wages or \$2,400, whichever was less.

Senate Bill 15

The bill would amend Chapter XI (Probation) of the Code of Criminal Procedure to allow the court to reduce a defendant's term of probation by up to 100%, after the defendant had completed half of the original felony probation period, if the reduction were recommended by the probation officer and other conditions were met, subject to various exceptions.

Specifically, except as provided in Section 2a of Chapter XI or Section 36 of Chapter VIII (Trials), after a defendant had completed half of the original felony probation period of his or her felony probation, the Department of Corrections would be permitted to notify the sentencing court. If the court, after a hearing to review the case and the defendant's conduct while on probation, determined that the defendant's behavior warranted a reduction in the probationary term, the court could reduce that term by 100% or less, if the reduction were recommended by the probation officer in the case.

(Section 2a of Chapter XI allows a court to impose a probation period of not more than five years for stalking; not less than five years for aggravated stalking; not more than five years for fourth-degree child abuse; and any term of years but not less than five for a "listed offense", as that term is defined in the Sex Offenders Registration Act. Under Section 36 of Chapter VIII, under certain circumstances, a defendant who has been found guilty but mentally ill may be placed on probation for a period of at least five years.)

The victim would have to be notified of the date and time of the hearing, and be given an opportunity to be heard. The court would have to consider the impact on the victim caused by reducing the defendant's probationary term.

At least 28 days before reducing or terminating a period of probation or conducting a review, the court would have to notify the prosecuting attorney and the defendant or, if he or she had an attorney, the defendant's attorney, and the DOC would have to notify the victim at his or her last known address.

If the court reduced a defendant's probationary term under the bill, the period of the reduction would have to be reported to the Department.

By December 31 each year after the bill's effective date, the DOC would have to report to the Senate and House committees concerning the judiciary or criminal justice the number of defendants referred to the court for a hearing under the bill and the overall reduction of days supervised during the preceding year.

In addition, by December 31 of each year after the bill's effective date, the State Court Administrative Office would have to report to the Senate and House committees concerning the judiciary the number of probationers who were released early from probation under the bill.

Currently, a defendant's probation may not exceed two years if the defendant is convicted for an offense that is not a felony, and the probation period may not exceed five years if the defendant is convicted of a felony, except as provided in Section 2a of Chapter XI. Under the bill, these limits would apply except as provided in that section or Section 36 of Chapter VIII.

Senate Bill 16⁴

The bill would enact the "Parole Sanction Certainty Act" as Chapter IIIB of the Corrections Code to provide for the creation of a Parole Sanction Certainty Program, which would be a program using a set of established sanctions to supervise eligible offenders who had been placed on parole. The bill would do the following:

- Require the Department of Corrections, by January 1, 2018, to adopt a system of sanctions for parole violations by offenders supervised under the Program.
- Require the sanctions to use evidence-based practices demonstrated to reduce recidivism and increase compliance with conditions of parole.
- Require the system to set forth a list of presumptive sanctions for the most common types of supervision violations, and to define positive reinforcements.
- Require the Department to implement the Program in the five counties where the most individuals convicted of criminal violations were sentenced to DOC incarceration.
- Require an individual to be informed of the conditions of parole sanction certainty supervision and to sign an agreement, before being placed on that supervision.
- Provide that a supervised individual who violated a condition of his or her parole sanction certainty supervision would be subject to 1) a confinement sanction (confinement for up to 30 days); 2) a nonconfinement sanction; or 3) parole revocation proceedings and possible incarceration.
- Require a supervising agent to notify a supervised individual if the agent intended to impose a sanction.
- Provide that failure to comply with a sanction would constitute a violation of parole.
- Require the DOC to appoint an individual to review confinement sanctions recommended by agents, and to report specified information to the House and Senate committees concerned with corrections, on a biannual basis.

Senate Bill 17⁵

The bill would create the "Supervising Region Incentive Act" to do the following:

- Require the Department of Corrections, by January 1, 2018, to adopt a supervising region incentive program to be offered to field operations administration regions that agreed to seek at least a 10% reduction in parole and probation revocations within an 18-month period.
- Create the Supervising Region Incentive Fund and require the DOC to spend money in the Fund for incentives and assistance to field operations administration regions implementing practices, procedures, and sanctions directed at parole and probation revocation reduction.
- Require the DOC to make a portion of the money in the Fund available to a region that entered into an agreement with the Department, for the region to begin implementing the supervision practices.
- Allow a region to receive incentive funding, other than for implementation, only if it achieved at least a 10% reduction in parole and probation revocations within an 18-month period.
- Allow a region to receive additional funding if, after three years, it achieved an additional reduction of at least 10% in parole and probation revocations within a one-year period.
- Require the DOC to submit an annual report to the Senate and House Appropriations Subcommittees on Corrections and to the Senate and House Fiscal Agencies.

Incentive funding would have to be used for the following purposes: the purchase and maintenance of monitoring technology; job training; substance abuse treatment; mental health counseling and

⁴ For a more detailed description of Senate Bill 16, please see the Senate Fiscal Agency's Summary of Introduced Bill in Committee: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/Senate/pdf/2017-SFA-0016-G.pdf>

⁵ For a more detailed description of Senate Bill 17, please see the Senate Fiscal Agency's Summary of Introduced Bill in Committee: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/Senate/pdf/2017-SFA-0017-G.pdf>

treatment; approved parolee and probationer incentive programs; the employment of additional supervising officers to reduce supervising agent caseloads; reimbursement for jail services; and evidence-based cognitive or behavioral programs and practices that had demonstrated success in reducing recidivism.

The bill is tie-barred to Senate Bill 16.

Senate Bills 18 and 19⁶

Senate Bill 18 would amend the Corrections Code to require field operations administration regions of the Department of Corrections to report quarterly to the Department of Health and Human Services regarding parole absconders who were being actively sought by a law enforcement agency.

Senate Bill 19 would amend the Social Welfare Act to do the following:

- Prohibit the DHHS from granting cash assistance to parole absconders.
- Prohibit the DHHS from granting food assistance to parole absconders who were being actively sought by law enforcement.
- Require the DHHS Director or his or her designee to review information provided by a field operations administration region to determine if cash assistance recipients or applicants had absconded from parole, or if food assistance recipients or applicants had absconded from parole and were being actively sought by law enforcement.
- Prohibit the DHHS from granting food assistance to an individual who had an outstanding felony warrant and was being actively sought by law enforcement.

The bills are tie-barred.

Senate Bill 20

The bill would amend the Corrections Code to refer to a high school equivalency certificate, rather than a general education development (GED) certificate, in provisions dealing with parole requirements.

Under the Code, a grant of parole is subject to certain conditions. These include the condition that a prisoner whose minimum term of imprisonment is two years or more may not be released on parole unless he or she has earned either a high school diploma or its equivalent in the form of a GED certificate. The Department of Corrections may waive the requirement as to any prisoner who has a learning disability, who does not have the necessary proficiency in English, or who for some other reason that is not the fault of the prisoner is unable to successfully complete the requirements for a diploma or GED certificate.

When a prisoner is released, the Department must issue to the prisoner documents regarding certain information, including the prisoner's institutional history. The institutional history information includes whether the prisoner obtained a GED certificate or other educational degree.

The requirement to earn a high school diploma or GED certificate as a condition of parole applies only to prisoners sentenced for crimes committed after December 15, 1998. In providing an educational program leading to a high school diploma or GED certificate, the Department must give priority to prisoners sentenced for crimes committed on or before that date.

The bill would refer to a high school equivalency certificate, rather than a GED certificate, in all of those provisions.

⁶ For a more detailed description of Senate Bills 18 and 19, please see the Senate Fiscal Agency's Summary of Introduced Bill in Committee: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/Senate/pdf/2017-SFA-0018-G.pdf>

Senate Bill 21

The bill would amend Public Act 196 of 1989, which creates the Crime Victim's Rights Fund, to allow money in the Fund to be used for children's advocacy centers to assist children who had experienced trauma or abuse as a result of a criminal offense.

Under the Act, individuals convicted of felonies, misdemeanors, and ordinance violations are assessed penalties that accrue to the Fund. The Act requires the Crime Victims Services Commission to determine the amount of revenue needed to pay for crime victims' rights services. The Department of Health and Human Services is required to direct the State Treasurer to disburse money from the Fund for that propose. Amounts in excess of the revenue necessary for crime victims' rights services may be used for the Statewide Trauma System, subject to a cap of \$3.5 million in any fiscal year.

The bill also would allow excess revenue to be provided to children's advocacy centers to assist in providing services to children who had experienced trauma or abuse as a result of a criminal offense. Not more than \$1.0 million could be spent from the Fund for this purpose in any fiscal year.

"Children's advocacy center" would mean that term as defined in the Children's Advocacy Center Act (an entity accredited as a child advocacy center by the National Children's Alliance or its successor agency) that allows for a law enforcement agency, prosecuting attorney, or child protective services investigator to observe a forensic interview with a child who has experienced trauma or abuse as a result of a criminal offense. A children's advocacy center also could be a place where such a child and the nonoffending caregiver may receive support, crisis intervention, and ongoing therapy for the trauma or abuse.

Senate Bill 22

The bill would amend the Corrections Code to require the Department of Corrections, unless there were specific circumstances preventing it from doing so, to do both of the following:

- Ensure that prisoners who were approximately 18 to 22 years old were housed only with other prisoners of the same approximate age range.
- Ensure that prisoners in that approximate age range were housed in the same correctional facilities.

In addition, at a facility housing prisoners who were approximately 18 to 22, the DOC would have to provide programming designed for youth rehabilitation, to the extent that it was able to do so. The Department would have to consult with the administrators of the family division of the circuit courts in Michigan and seek recommendations regarding the selection of programming designed for youth rehabilitation.

The DOC also would be required to submit an annual report to the Senate and House committees responsible for legislation concerning corrections issues. The report would have to detail the extent to which the Department had implemented the proposed housing requirements.

"Correctional facility" would mean a facility operated by the DOC, or by a private entity under contract with the DOC, that houses prisoners under the Department's jurisdiction.

Senate Bill 23⁷

The bill would amend the Probation Swift and Sure Sanctions Act (Chapter XIA of the Code of Criminal Procedure) to do the following:

⁷ For a more detailed description of Senate Bill 23, please see the Senate Fiscal Agency's Summary of Introduced Bill in Committee: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/Senate/pdf/2017-SFA-0023-G.pdf>

- Create the Swift and Sure Probation Supervision Fund and require the State Treasurer to allocate money from the Fund for administration of the Act and for grants to fund circuit court programs of swift and sure probation supervision.
- Allow a court that received a grant to accept participants from other jurisdictions in the State based on the residence of the participant or the unavailability of a swift and sure probation supervision program in the jurisdiction where he or she was charged.
- Provide that a transfer would not be valid unless all of the following agreed to it: the defendant or respondent, the attorney representing him or her, the judge of the transferring court, the prosecutor of the case, the judge of the receiving court, and the prosecutor of its funding unit.
- Allow an individual who was eligible for the Program to request not to participate in it.

An individual would be eligible to participate in the Swift and Sure Probation Supervision Program if either 1) he or she received a risk score of high on a validated risk assessment; or 2) he or she received a risk score other than high or low on the validated risk assessment and the judge, prosecutor, and defendant agreed to the defendant's placement in the Program.

A defendant who was charged with one of the following crimes would not be eligible: first- or second-degree murder; first- or third-degree criminal sexual conduct; armed robbery, treason against the State; or a major controlled substance offense.

Senate Bill 24

The bill would amend the Revised Judicature Act to allow the circuit court in any judicial circuit to institute a swift and sure sanctions court, by statute or court rule; require the court to carry out the purposes of the Swift and Sure Sanctions Act; and allow the court to accept participants from other jurisdictions in the State under the circumstances described in Senate Bill 23.

- MCL 761.1 et al. (S.B. 5)
- MCL 791.402 & 791.404 (S.B. 6)
- Proposed MCL 791.208a (S.B. 7)
- Proposed MCL 791.269b (S.B. 9)
- Proposed MCL 791.231b (S.B. 10)
- MCL 791.244 et al. (S.B. 12)
- Proposed MCL 771.4b (S.B. 13)
- MCL 771.2 (S.B. 15)
- Proposed MCL 791.284 (S.B. 18)
- MCL 400.10b (S.B. 19)
- MCL 791.233 & 791.234d (S.B. 20)
- MCL 780.904 (S.B. 21)
- Proposed MCL 791.262d (S.B. 22)
- MCL 771.3-771.6 (S.B. 23)
- Proposed MCL 600.1086 (S.B. 24)

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

Michigan's prison system has been described as a revolving door, where individuals who have been released keep returning. Considering that approximately half of the new intakes each year are parole or probation violators, and that some 60,000 people in the community are being supervised on parole or probation, it is clear that effective measures to prevent recidivism could make a significant difference in the prison population, saving taxpayer dollars, protecting Michigan residents from becoming crime victims, and creating safe communities where growth can occur. Moreover, prisoners who have served their time and been deemed eligible for parole, and offenders who are sentenced to probation, deserve an opportunity to become productive members of society. Meeting their needs contributes to public safety when parolees and probationers do not reoffend, and reducing the cost of incarceration frees up revenue that can be used for such purposes as

education and roadways. Too often, however, programs intended to achieve these ends are ineffective.

This package of legislation is designed to close the revolving door by incorporating evidence-based practices and data-driven decision-making. The current barriers to reform include a lack of information about which rehabilitative programs work and which do not, the inability of policymakers and law enforcement officials to measure what is successful, the absence of incentives to establish innovative programming, and inconsistencies in supervision and sanctions. Various bills in this package would address these issues in a number of ways.

The Parole Sanctions Certainty Program proposed by Senate Bill 16 would incorporate concepts of the successful swift and sure probation program, in which supervision is more intensive, sanctions are graduated and automatically imposed, and participation is voluntary. According to the most recent Michigan Supreme Court report on problem-solving courts, "Solving Problems, Saving Lives", swift and sure program graduates were 36% less likely to re-offend, compared with other probationers; 51% of those who entered the program unemployed became gainfully employed upon completing the program; and participants had a lower percentage of jail sentences (13.7%) than other probationers (21.6%). Appropriately, Senate Bills 23 and 24 would reinforce the use of swift and sure sanctions for probation violators by creating a specific fund for courts implementing the program, establishing eligibility criteria for participating probationers, and providing standards for the transfer of participants from other circuit court jurisdictions.

Senate Bill 17 would establish financial incentives for DOC regions to reduce parole and probation revocations; and would require a region to implement the parole sanction certainty practices and sanctions, as well as other efforts that were appropriate for the individual region. This approach would encourage innovation and accommodate local circumstances. The incentive funding then could be used for programs and services that would further reduce recidivism. Senate Bill 8 would require all parolees and probationers, within four years, to be supervised according to evidence-based practices that had been demonstrated to reduce recidivism--which would allow the State and local agencies to build on what is proven to work and eliminate what does not. The bill also would require the adoption of policies that assessed the needs of, and required the development of a case plan for, each supervised individual, and that identified swift, certain, proportionate, and graduated responses to both compliant and noncompliant behavior. Senate Bill 11 (S-1) would provide for the collection and reporting of local and State data regarding facility capacity, recidivism, and the application of sentencing guidelines. This would enable legislators to make informed decisions and optimize the use of taxpayer dollars. Several of these bills also propose additional requirements for reporting to committees of the Legislature

Senate Bills 5, 6, and 7, along with Senate Bills 8 and 11 (S-1), would enact a uniform definition of "recidivism". This would give all organizations a common understanding of what is meant when that term is used, and would enable policymakers to identify best practices and accurately measure a program's success.

Additional proposals could help keep supervised individuals out of prison and promote their success in the community, particularly by increasing the individuals' ability to find work and stay employed. Stable employment may be the best assurance of parolee and probationer success, but some employers are not comfortable hiring ex-offenders or might be disinclined to hire someone who is on probation. Senate Bill 14 would provide for grants to employers that hired supervised individuals. The proposed grants could provide the incentive employers need to give these individuals a chance. Senate Bill 15 would allow a judge, upon the recommendation of a probation officer, to reduce a person's period of probation by up to 100% after half of the original period had been completed; and Senate Bill 13 would limit the period a probationer could be incarcerated for technical violations.

In sum, these proposals and the other bills in the package would take many necessary steps to modernize Michigan's criminal justice system and reduce the prison population, increase public safety, and allow the State to spend resources on services and programs, rather than incarceration. While a number of the bills' provisions are consistent with language in appropriations acts, the legislation would codify these requirements in statute.

Response: Although the bills represent progress, a number of concerns have been raised. First, despite some similarities, the proposed Parole Sanction Certainty Program would be substantively different in some ways from the probation swift and sure program. Swift and sure probation is designed to provide intensive oversight and structure to high-risk probationers, and each circuit court decides for itself whether to conduct that program. Senate Bill 16, however, does not address parolees' risk of reoffending or the intensity of the supervision. Furthermore, the bill would give the DOC total discretion to decide which parolees to place in the sanction certainty program, which could allow the Department to cherry-pick those most likely to succeed. To ensure consistency in handling parole violations and limit returns to prison when the public safety would not be at risk, the program should be extended to all probationers--or at least all of those in selected counties, if piloting the program were considered desirable.

In Senate Bill 17, the concept of agreements between the DOC and its field operations administration regions for incentive funding appears to treat the regions as autonomous entities, rather than administrative subdivisions of the DOC itself. Also, since the bill does not identify the basis for dividing the funding, it could put the regions in competition with each other. These concerns could be avoided if funds instead were distributed to regions on an application basis, after probation and parole agents assessed the challenges most commonly faced by the people they supervised--such as the need for transportation, housing, or mentoring--and proposed solutions they believed would be successful. The solutions could still be creative and allow flexibility at the local level.

Regarding the requirement in Senate Bill 8 that all supervision practices be evidence-based within four years, it is not clear how this would compare to current practices; how those practices would affect the four-year deadline; or how the bill's requirements would be coordinated with swift and sure probation, the proposed Parole Sanction Certainty Program, or grants to prisoner re-entry local service providers and community corrections funding under current law. It has been suggested that implementation of the bill should be delayed until stakeholders could map out who would be affected, what resources would be required, and how compliance would be monitored.

With respect to Senate Bill 15, since judges already have the authority to reduce a term of probation as they consider appropriate, it is not clear what the bill would accomplish other than to permit the DOC, upon the probation officer's recommendation, to notify the court when a probationer had completed half of his or her term of probation. Furthermore, the bill would create an internal inconsistency in the statute because existing language permits the court to amend the probation order in form or substance at any time.

Limiting the period of incarceration for technical probation violators, as proposed by Senate Bill 13, would be a step in the right direction. The bill, however, would not address the revocation of parole for technical violations, and judges would continue to have complete discretion to revoke probation. Thus, the bill could potentially have no impact on the number of technical violators returned to prison. This could be accomplished, however, by limiting revocation to only the most persistent and severe violators. Since there likely are wide disparities among counties and individual judges, perhaps a workgroup of interested stakeholders could examine information about revocation practices and develop guidelines.

Although there is a strong need for improvement and coordination of statewide criminal justice data collection and analysis, which Senate Bill 11 (S-1) would address, current law already requires the Criminal Justice Policy Commission (CJPC) to collect and analyze a wide array of data. Thus, it is not clear why a separate, new entity is necessary or how the competing needs and overlapping statutory mandates of the two agencies--both within the Legislative Council--would be managed. Rather than creating a new program, legislation could give the CJPC sufficient resources and require it to determine what data are available, what additional information is needed, what the costs and logistics of significantly improved data collection and analysis would be, and how to maximize the availability of the most critical information. Then, an assessment could be done to determine whether a new entity was needed.

Senate Bill 14, which proposes grants to employers that hired probationers or parolees, could be improved in several ways. The minimum time a person would have to be employed should be

substantially longer than 120 hours; employers that did not appear to be making a good faith effort to retain these workers should be excluded from eligibility; and there should be incentives for employers to provide training. Also, the information an employer would be required to report should include the nature of the job and the reasons for termination.

Supporting Argument

With respect to individuals who are still in prison, Senate Bill 10 would require the DOC to submit reports on prisoners who had reached their earliest possible release date but had not been paroled, including the reasons parole had been denied. At present, aggregated data about Parole Board decisions are available, but information about individual cases is not. This makes it difficult to know whether the programs and services provided by the DOC are adequate to prepare inmates for parole, or whether the lack of a particular program or service is hindering a prisoner's parole eligibility. Having some insight into the Board's decision-making could enable law-makers to provide direction to the DOC and allocate funding appropriately.

Response: In deciding to grant or deny parole, the Parole Board's overriding consideration is whether an inmate would be a threat to public safety if he or she were released. Thus, that would be the reason cited in the vast majority of cases, if the DOC were to report on why parole was denied. In addition, the bill would require a report to categorize parole denials by various reasons, including the nature and circumstances of the offense for which the prisoner was incarcerated and the prisoner's prior criminal record. Those factors, however, are not appropriate for the Parole Board's consideration, and are taken into account at sentencing as well as in the DOC's parole guidelines. While the bill also lists the prisoner's institutional conduct, that factor is a key consideration in determining whether the prisoner would be a threat to public safety--which, again, would be the reason for denying parole.

Supporting Argument

By requiring the DOC to provide separate housing for 18- to 22-year-old inmates, and to provide youth rehabilitation programming, Senate Bill 22 would address the needs of these individuals, as well as the challenges they present. Separate housing would prevent the offenders from being negatively influenced by older prisoners, and would prevent the more "energetic" 18- to 22-year olds from disrupting an otherwise stable prison environment. The required programming would help them succeed after prison, breaking the cycle of imprisonment, release, and reincarceration.

Supporting Argument

Senate Bill 9 would improve prisoners' chances for success after release by requiring the DOC to allow the registration of approved individuals who provided inmate re-entry services on behalf of organizations. A centralized system for tracking and clearing all volunteers would encourage partnerships between the groups and the DOC, and would streamline volunteers' access to prisoners. At the same time, the Department would retain the authority to disapprove an individual or organization and to manage day-to-day operations.

Response: The bill should include language making it clear that no one would have a right to access to a correctional facility. The bill also would strengthen the DOC's authority if it permitted, rather than required, the Department to allow representatives of organizations to be registered.

In addition, it has been suggested that the screening criteria should be based on a volunteer's potential risk to institutional order or security, to ensure that the DOC did not reject applicants arbitrarily.

Supporting Argument

In addition to protecting Michigan residents from becoming the victims of new crimes, this legislation includes measures designed to address the needs of individuals who have already been victimized. Under Senate Bill 15, when a hearing was scheduled to determine whether a defendant's term of probation should be reduced, the victim would have to be notified and given an opportunity to be heard, and the court would have to consider the impact on the victim that would result from a reduction. Senate Bill 8 would require the DOC and local agencies that supervise probationers and parolees to develop policies and rules that improved crime victim satisfaction with the criminal justice system. Under Senate Bill 21, excess funding in the Crime Victim's Rights Fund could be provided to children's advocacy centers for services to children who

had experienced trauma or abuse as a result of a criminal offense. These proposals recognize that interests of victims must not be overlooked in the process of criminal justice reform.

Supporting Argument

Senate Bills 18 and 19 would ensure that a parolee did not receive certain public assistance benefits if the individual intentionally failed to report to his or her parole officer and inform the officer of the parolee's whereabouts. Specifically, the DHHS would have to deny cash assistance to an absconder, and deny food assistance to an absconder who was being actively pursued by law enforcement, if the Department received information from a DOC field operations administration region that the individual had absconded. Intentionally failing to report as required is a violation, and parole violators should not be entitled to cash or food assistance.

Response: The bills should make it clear that only the absconder, and not members of his or her family, would be subject to the denial of assistance. In addition, the DHHS should be required to report to the DOC information on an absconder's assistance application, which could be useful locating the person.

Supporting Argument

By providing for an expedited parole process upon the Governor's request, based at least in part on a prisoner's medical condition, Senate Bill 12 (S-1) could help reduce the prison population while showing compassion toward ill or dying inmates and their families. Although the Parole Board currently may grant a medical parole for a prisoner determined to be physically or mentally incapacitated, the process may be excessively long in some cases.

Supporting Argument

Senate Bill 20 would update terminology by referring to a high school equivalency certificate instead of a GED certificate. This amendment would be consistent with changes recently made to the State School Aid Act.

Opposing Argument

Regarding Senate Bill 22, it is a misconception that young offenders learn to be "better criminals" when they are housed with long-time inmates. In reality, facilities that house only young offenders are far more dangerous for inmates and staff than those with a mix of ages. The DOC has learned this from past experience with separate facilities for young inmates. Compared with older prisoners, offenders in their late teens and early to mid-20s tend to be more violent, have poorer impulse control, and are more likely to be involved in gangs. In contrast, individuals who have been incarcerated for years know how to behave and can be a stabilizing force. They also sometimes act as mentors to young offenders, who often have had no positive role model in their lives. In addition, although the bill would require rehabilitative programming for 18- to 22-year-olds, as well as separate housing, evidently there is no existing facility with adequate classroom space where the DOC could meet this requirement. The Department, however, could provide age-specific programming in mixed-age facilities.

Opposing Argument

It would be a mistake to divert funds from the Crime Victim's Rights Fund for child advocacy centers, as Senate Bill 21 would allow. The Fund was created to provide reimbursement to crime victims for their out-of-pocket losses and costs. While there might appear to be "excess" revenue in the Fund, the amount required for crime victims' compensation cannot be known from one year to the next. Also, increasing the amounts that victims may receive should be considered before the funds are used for another purpose. The maximum that may be awarded for each week of lost earnings is only \$350, for example. These caps are set in statute and were last raised in 2010. Furthermore, the Child Advocacy Center Fund exists in the State Treasury and receives funding from court assessments, and child advocacy centers can seek additional funding through grants.

Response: Child advocacy centers provide vital services that children who have been victimized might not be able to receive elsewhere. The amount that could be used for this purpose would be capped at \$1.0 million per fiscal year. According to the DHHS, the Fund was projected to have a surplus of almost \$7.0 million in fiscal year 2015-16.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bills 5, 6, and 7

The bills would have no fiscal impact on State or local government.

Senate Bill 8

The bill would have an indeterminate fiscal impact on State and local government. It is not known whether evidence-based practices for supervision and recidivism intervention would be more or less costly than current practices.

If the implementation of evidence-based practices increased the rate of probation and parole success, resulting in fewer individuals being committed to prison or jail due to probation or parole revocation or recidivism, savings could be realized by the State and local units of government through a decrease in resource demands on local court systems, law enforcement, community supervision, and correctional facilities. For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the decreased intake of prisoners reduced the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year.

Senate Bill 9

The bill would have no fiscal impact on State or local government.

Senate Bill 10

The bill would have no fiscal impact on State or local government. The additional required report would be completed using the Department of Corrections' existing appropriations.

Senate Bill 11 (S-1)

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.

Senate Bill 12 (S-1)

The bill would have no fiscal impact on State or local government.

Senate Bill 13

The bill would have no fiscal impact on the State and could have a positive fiscal impact on local government. Any temporary incarceration under the bill would take place in local correctional facilities. A probationer currently may be imprisoned for up to 12 months in a county jail in consecutive or nonconsecutive intervals over the course of his or her probation. The bill would limit the duration of imprisonment for a technical probation violation to not more than 30 days if that person did not have more than four technical violations. If this provision led to fewer days of incarceration for probationers, savings would accrue to local units of government. As costs vary by jurisdiction, the savings to any one jurisdiction would depend on the per-day costs to imprison a person as well as the reduction in incarceration days.

Senate Bill 14

The bill would result in increased costs to the Department of Talent and Economic Development. There would be administrative costs to the Department to process and approve employers' requests for reimbursement for qualified employees. The bill would allow up to 10% of the proposed Fund, for up to one FTE, for administration of the program. At this time, it is estimated that the staff and administrative allowance would be sufficient to meet the added administrative costs. The program also would have additional costs, which would depend on the number of applicants as well as the appropriations level. If \$500,000 were appropriated for this purpose, and 10% used for administration, it would provide reimbursement for up to 300 part-time employees or 187 full-time employees, or some combination of the two. If the number of positions eligible for reimbursement required more funds than the amount appropriated, the excess would not receive reimbursement as there is no provision in the bill for proration or mandate for the Department to make reimbursements to all the employers that applied. However, if reimbursement for the number of qualified positions were less than the amount appropriated, the program would be able to carry the unused funds forward.

The bill would have no fiscal impact on local government.

Senate Bill 15

The bill would have a positive fiscal impact on the State, though the amount is indeterminate, and it would likely have a positive fiscal impact on local government. It is not known how many probationers would have their terms of probation reduced in a given year or by how much. The current cost to the Department of Corrections to supervise a felony probationer is approximately \$3,024 per year. The average number of individuals under probation supervision in 2015 was 45,135, although some were for offenses that would be excluded from the provisions of the bill. If every one of those probationers had his or her term of probation reduced by 50%, which would be the maximum allowed by the bill, the number of probationers would be reduced to 22,567, resulting in savings of \$68,242,608 per year. This figure represents the absolute high limit for savings, and the actual savings would be less because not all probationers would qualify to have their terms reduced and not all who had their terms reduced would have them reduced by the maximum amount.

While the State handles the supervision of all individuals sentenced to felony probation, local units of government also would likely realize savings from having fewer individuals on probation. These savings could be in the form of reduced resource requirements from law enforcement, courts, and jails related to probation violations. The amount of savings would vary by jurisdiction, depending on how many probationers are currently in the jurisdiction, how many individuals would no longer be on probation because of the bill, and the costs of current probationers.

The additional reporting requirements for the State Court Administrative Office and the Department of Corrections would result in minimal administrative costs that would be absorbed within current appropriations.

Senate Bill 16

The bill would have an indeterminate fiscal impact on State and local government. It costs the State an average of \$5,260 per year for each parolee supervised. Parole sanction certainty supervision would likely cost more, but it is unknown by how much. A pilot program was launched in November 2015 in targeted counties, but it is too soon to have data on the costs per parolee or parolee outcomes.

If fewer parolees were returned to prison as a result of the bill, there would be savings to the State from lower incarceration costs. For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the reduced intake of prisoners reduced the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year.

Any additional reporting requirements would be handled by the Department of Corrections within existing appropriations.

Senate Bill 17

The bill would have an indeterminate fiscal impact on the State and no fiscal impact on local government. It would target probation and parole revocations both for technical violations and for new offenses. The Department of Corrections supervises approximately 63,000 probationers and parolees each year. From 2012 to 2014, the State averaged 6,120 combined probation and parole revocations that led to imprisonment per year. It is not known if or by how much the incentives in the bill would encourage supervising regions to reduce revocations.

For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the decreased intake of prisoners reduced the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year. In comparison, it costs the State approximately \$3,024 per year to supervise a person on probation and \$5,260 to supervise a person on parole.

The amount appropriated for incentives would be at the discretion of the Legislature. The FY 2016-17 Corrections budget appropriated \$3.0 million for the incentives.

Senate Bill 18

The bill would have no fiscal impact on State or local government. The additional required report would be completed using existing appropriations of the Department of Corrections.

Senate Bill 19

The bill could result in maximum annual savings to the State of approximately \$8.3 million in Gross expenditures and \$4.2 million in General Fund/General Purpose expenditures, based on the average of expenditures for 2014, 2015, and 2016.⁸ The bill would have no fiscal impact on local government.

From information provided by the Michigan Department of Corrections, the figures for parole absconders for the past three years are shown in Table 1.

Table 1

Parole Absconders	
<u>Year</u>	<u>Number</u>
2014	1,635
2015	1,383
2016	1,211

Funding for the public assistance programs covered under the bill is provided by Federal and State revenue sources. Therefore, if benefits were severed for both federally and State-funded programs, there would be Gross expenditure savings; however, the only General Fund/General Purpose savings would be due to a reduction in the caseloads of State-funded programs.

Although Senate Bill 18 would require the Michigan Department of Corrections to provide a quarterly list of parole absconders to the Michigan Department of Health and Human Services to determine the number of absconders who were receiving public assistance, it is not

⁸ The numbers for 2016 in this analysis are annualized based on data through March 2016.

currently known how many parole absconders are presently receiving public assistance. For purposes of determining the maximum fiscal savings under Senate Bill 19, this analysis will assume that the entire population of parole absconders is receiving public assistance benefits for an entire fiscal year.

For the programs that are federally funded, the Federal portion of the Family Independence Program and the Food Assistance Program, assuming all of the parole absconders were receiving the average public assistance benefit amounts, Table 2 shows the savings if these individuals had been severed from benefits in the prior three years.

Table 2

Federally Funded Public Assistance Benefits	
<i>100% of Parole Absconders</i>	
Year	<u>Maximum Potential Expenditure Savings</u>
2014	\$4,683,164
2015	\$3,869,584
2016	\$3,382,329
Total	\$11,935,077

For the programs that are State-funded, the State portion of the Family Independence Program and the State Disability Assistance program, if all of the parole absconders were receiving the average public assistance benefit amounts, Table 3 shows the savings if these individuals had been severed from benefits in the prior three years.

Table 3

State-Funded Public Assistance Benefits	
<i>100% of Parole Absconders</i>	
Year	<u>Maximum Potential Expenditure Savings</u>
2014	\$4,896,092
2015	\$4,086,787
2016	\$3,852,430
Total	\$12,835,309

This analysis assumes the maximum possible savings if all of the parole absconders were indeed receiving public assistance benefits for an entire fiscal year. This may or may not be the case as the number of parole absconders who are receiving public assistance benefits is not currently known. The number of absconders who are actually receiving benefits could range from the entire known universe of absconders to a very small number of absconders. As a result, there would be uncertainty in the total savings until quarterly reports were delivered by the DOC to the DHHS as required by Senate Bill 18.

Senate Bill 20

The bill would have no fiscal impact on State or local government.

Senate Bill 21

The bill would have no fiscal impact on the Department of Health and Human Services, and no fiscal impact on local units of government. The Crime Victim's Rights Fund had a beginning balance of \$21.8 million in fiscal year (FY) 2015-16 resulting from a surplus of \$7.7 million in FY 2014-15. Projections by the DHHS show an expected surplus of \$6.9 million in FY 2015-16, indicating that there would be sufficient funding to cover the increased expenditures from the Fund for children's advocacy centers, as proposed by the bill.

Senate Bill 22

The bill would have a negative fiscal impact on the State and no fiscal impact on local government. The Department of Corrections reports that approximately 3,200 prisoners in the 18- to 22-year-old age range are not currently housed in a facility designated for youths. The Department currently houses prisoners under the age of 18 at the Thumb Correctional Facility. The costs per prisoner at this facility are approximately 15% higher than at comparable adult facilities, primarily due to increased programming and supervision requirements. If it is assumed that also housing all 18- to 22-year-olds in a similar facility would result in the same cost variation, the provisions of the bill would cost approximately \$17.5 million per year.

There could be additional costs due to reorganizing the prison population to accommodate housing these prisoners together. Also, the bill does not specify what programming would be required at these facilities, and if it were more intensive than what is currently offered at the Thumb Correctional Facility, costs would increase.

The additional reporting requirements would be handled within current appropriations.

Senate Bill 23

The bill would have an indeterminate fiscal impact on State and local government. The Swift and Sure Probation Supervision Program is a voluntary program for courts in the State. The State Court Administrative Office currently administers the grant program for courts wishing to implement the program. The budget for fiscal year 2016-17 appropriates \$4.0 million for the grants, although the State is not obligated to continue funding them. If passage of the bill led to more courts implementing swift and sure probation sanctions, it would result in greater costs to local government or the State, or both, depending on whether the grants to local jurisdictions were increased or not.

Senate Bill 24

The bill would have an indeterminate fiscal impact on State and local government. Under the bill, circuit courts would be allowed, but not required, to institute a swift and sure sanctions court. The cost to local government would depend on how many jurisdictions chose to set up these courts and how many probationers were admitted to the program. The typical costs involved with this program are for an increased number of hearings before a judge and bed space in local jails for sanctions. The State Court Administrative Office currently has a grant program set up to reimburse local courts that run swift and sure sanctions courts, but the State would not be obligated to fund them under the bill.

If the program led to fewer probationers having probation revoked and being sentenced to prison, there would be savings to the State.

Fiscal Analyst: Ryan Bergan
Ellyn Ackerman
Joe Carrasco
John Maxwell
Cory Savino

SASVA1718\5a

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.