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BILL ANALYSIS



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Senate Bill 50 (as introduced 1-18-17)
Sponsor: Senator Darwin L. Booher
Committee: Michigan Competitiveness

Date Completed: 1-25-17

CONTENT

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

- **Require the Department of Corrections (DOC) to implement a county jail bed savings program to house eligible prisoners.**
- **Allow counties to participate in the program, and require the DOC to reimburse participating counties.**
- **Require eligible prisoners to be in a least-restrictive classification, serving a fixed sentence with a determined discharge date, and not serving a sentence for a criminal sexual conduct offense.**

Specifically, the Department would have to implement a county jail bed savings program to house eligible prisoners sentenced to the custody of the DOC in county jails rather than in State correctional facilities.

A county could volunteer to participate in the program and house eligible prisoners sentenced to the custody of the DOC in its county jails. If a county volunteered to participate, the Department would have to reimburse it at a rate of \$35 per day per prisoner.

If a county participating in the program had available bed space in its county jail and the DOC had in its custody prisoners meeting the bill's eligibility requirements, the Department would have to place the eligible prisoners in the county jail.

A prisoner who did not meet all of the following eligibility requirements could not be placed in a county jail under these provisions:

- The prisoner had been given a Level 1 classification by a Department classification committee on a scale of six levels in which Level 1 is the least restrictive.
- The prisoner was not serving a sentence for a conviction of criminal sexual conduct in the first, second, third, or fourth degree or assault with intent to commit criminal sexual conduct, or an attempt to commit one of those offenses.
- The prisoner was serving a fixed sentence with a determined discharge date.

The bill would define "state correctional facility" as a facility or institution that is maintained or operated, or contracted for, by the Department of Corrections and that houses prisoners sentenced to the custody of the DOC.

The bill would take effect 90 days after its enactment.

Proposed MCL 791.265j

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. It would cost the Department of Corrections \$12,775 per prisoner per year to house offenders in county jails under the program. In the short term, the marginal cost to house a prisoner in a State correctional facility is approximately \$3,764 per year. However, the long term marginal cost is \$34,550 per prisoner per year. The cost for counties varies by facility and other factors, so it is unknown whether the program would have a positive or negative fiscal impact on local government, but it is reasonable to assume that only counties that would see a positive fiscal impact would participate. The program could produce savings for the State if there were enough participation by the counties to allow the Department to close a housing unit or a facility. The average size of facilities that house large numbers of Level 1 security clearance inmates is approximately 1,770.

For a number of years, the Department has operated a leased beds program. A program similar to the one proposed by the bill, with offenders housed in jails in 14 counties at a cost of \$5,250,000 per year, was operated from January 2015 through September 2016. In the final year of the program, the participating counties' total capacity was 391 beds and counties were reimbursed \$35 per prisoner per day. The program was ended when fiscal year 2016-17 began, and the inmates were moved from county jails to State correctional facilities. The net saving to the State was \$3,209,000 per year.

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.