



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



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

House Bill 4719 (Substitute H-1 as passed by the House)  
Sponsor: Representative Robert J. Bezotte  
House Committee: Judiciary  
Senate Committee: Judiciary and Public Safety

Date Completed: 5-10-22

### **CONTENT**

**The bill would amend the Michigan Penal Code to require a person convicted of first-degree murder to be committed, immediately following a conviction, to the Michigan Department of Corrections (MDOC) for incarceration in a State correctional facility pending sentencing under certain circumstances, and to require a court to hold a sentencing hearing within 30 days after the person was committed to the MDOC.**

Section 316 of the Code specifies that a person who commits any of the following is guilty of first-degree murder and must be punished by imprisonment for life without eligibility for parole:

- Murder perpetrated by means of poison, lying in wait, or any other willful, deliberate, and premeditated killing.
- Murder committed in the perpetration of, or attempt to perpetrate, first-, second-, or third-degree criminal sexual conduct; arson; first-degree child abuse; a major controlled substance offense; robbery; carjacking; breaking and entering of a dwelling; first- or second-degree home invasion; larceny of any kind; extortion; kidnapping; first- or second-degree vulnerable adult abuse; torture; aggravated stalking; or unlawful imprisonment.
- Murder of a peace officer or a corrections officer committed while the officer is lawfully engaged in the performance of any of his or her duties as a peace officer or corrections officer, knowing that the officer is a peace officer or corrections officer engaged in the performance of his or her duty as a peace officer or corrections officer.

Under the bill, immediately following a conviction under Section 316, a judgment of sentence form would have to be entered and the person convicted would have to be committed to the jurisdiction of the MDOC for incarceration in a State correctional facility pending sentencing if both of the following applied:

- The sheriff would have to transport the person from the State correctional facility to the county for final sentencing and from the county back to the State correctional facility.
- The person was at least 18 years of age at the time he or she committed the offense for which he or she was convicted under Section 316.

A court would have to hold the sentencing hearing within 30 days after a person was committed to the MDOC under the bill.

MCL 750.316

Legislative Analyst: Stephen P. Jackson

## **FISCAL IMPACT**

The bill would decrease costs for local county jails as they no longer would have to house offenders convicted of first-degree murder while awaiting sentencing. Instead, these offenders would be housed in an MDOC facility to await sentencing, which would shift those costs to the State. The savings for counties would vary as those costs vary by jurisdiction and would depend on how many offenders no longer would be housed in local jails.

The costs increase for the State and the MDOC would be the same as for housing any prisoner. Currently, the average annual cost to house a prisoner in an MDOC facility is an estimated \$43,000, which includes fixed administrative and operational costs (which are funded with General Fund/General Purpose revenue). The bill also would require counties to transport offenders from State correctional facilities to county courts for sentencing, which would require counties to incur those costs. The costs are indeterminate and would vary by county depending on the number of offenders requiring transport.

Fiscal Analyst: Joe Carrasco, Jr.

SAS\S2122\s4719sa

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.