

Legislative Analysis



IMMEDIATE INCARCERATION IN STATE CORRECTIONAL FACILITY FOR FIRST DEGREE MURDER

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House Bill 4719 (H-1) as reported from committee
Sponsor: Rep. Robert J. Bezotte
Committee: Judiciary
Complete to 8-17-21

BRIEF SUMMARY: House Bill 4719 would amend the Michigan Penal Code to require that a person convicted of first degree murder be committed to the jurisdiction of the Department of Corrections (DOC) under certain circumstances.

FISCAL IMPACT: House Bill 4719 would have an indeterminate fiscal impact on the state and on local units of government. (See **Fiscal Information**, below, for more information.)

THE APPARENT PROBLEM:

According to committee testimony, when an individual is charged with a crime, he or she is housed in local jails during the review process and when awaiting trial. Individuals can wait in jail from weeks to years, and then continue to wait in jail after sentencing while their paperwork is being finalized. Sheriffs contend that these individuals, especially those charged and convicted of first degree murder, pose greater risks to local jails that may not be equipped to manage individuals who are given life sentences and act violently. Legislation has been offered to house individuals convicted of first degree murder in prisons, rather than jails, to avoid any unnecessary dangers.

THE CONTENT OF THE BILL:

The bill would provide that, immediately following a conviction of first degree murder, a judgment of sentence form must be entered and the person convicted must be committed to the jurisdiction of the DOC for incarceration in a state correctional facility pending sentencing, but only if both of the following apply:

- The sheriff will transport the convicted person for final sentencing from the facility to the county and back again.
- The convicted person was at least 18 years old at the time the offense was committed.

A court would have to hold the sentencing hearing at least 30 days after a person is committed to the DOC.

MCL 750.316

BACKGROUND INFORMATION:

Section 316 of the Michigan Penal Code defines first degree murder as any of the following:

- 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, arson, criminal sexual conduct in the first, second, or third degree, child abuse in the first degree, a major controlled substance offense, robbery, carjacking, breaking and entering of a dwelling, home invasion in the first or second degree, larceny of any kind, extortion, kidnapping, vulnerable adult abuse in the first or second degree, torture, aggravated stalking, or unlawful imprisonment.
- Murder of a peace officer or corrections officer committed while he or she is lawfully engaged in the performance of any of his or her duties as a peace officer or corrections officer, knowing that he or she is a peace officer or corrections officer engaged in the performance of his or her duty as a peace officer or corrections officer.

FISCAL INFORMATION:

Provisions of the bill would result in a shift of costs for housing offenders from local county jails to the state correctional system. Individuals convicted of first degree murder would no longer be detained in county jails while waiting to be sentenced to prison. Counties would realize a savings for no longer having to detain these offenders while they await sentencing, and the DOC would incur costs for housing these offenders earlier. Costs of incarceration in county jails and how those costs are financed vary by jurisdiction. In fiscal year 2020, the average cost of prison incarceration in a state facility was roughly \$42,200 per prisoner, a figure that includes various fixed administrative and operational costs. Those costs are financed with state general fund/general purpose revenue. Also under the bill, counties would be responsible for transporting offenders to and from state correctional facilities/county courts for final sentencing. Counties could incur additional costs depending on the number of occurrences.

ARGUMENTS:

For:

Supporters of the bill argue that individuals who are given a life sentence pose great risks to local jails. These individuals can act out and become violent toward themselves or others for various reasons, and having a more stable environment in a prison, which is equipped to house individuals for a long period of time, would be best for the individual's safety and officers' safety.

Against:

Critics of the bill raised concerns over the increased transportation to and from court that would occur. Individuals are currently housed in local jails to be closer to, or sometimes even in, the courthouse where their hearings take place. Prisons are often located hours away, which would require more transportation coordination and could present the danger of individuals acting out while on the road.

POSITIONS:

Representatives of the Michigan Sheriffs' Association testified in support of the bill.
(5-18-21)

The following entities indicated support for the bill:

- Ingham County (5-18-21)
- Kalamazoo County (5-18-21)
- Michigan Association of Counties (6-15-21)

A representative of the Department of Corrections testified in opposition to the bill.
(5-18-21)

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