

Legislative Analysis



IMMEDIATE INCARCERATION IN STATE CORRECTIONAL FACILITY FOR FIRST DEGREE MURDER

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4719 (proposed substitute H-1)

Sponsor: Rep. Robert J. Bezotte

Committee: Judiciary

Complete to 6-14-21

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

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.

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

FISCAL IMPACT:

House Bill 4719 would have an indeterminate fiscal impact on the state and on local units of government. 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 state Department of Corrections 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.

Legislative Analyst: Emily S. Smith

Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.