

# SENATE BILL NO. 377

June 07, 2023, Introduced by Senators MCBROOM, CHANG, IRWIN, SHINK, SANTANA, BELLINO, BAYER, VICTORY and HUIZENGA and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 777.69) by adding section 34b to chapter IX.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER IX

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2       **Sec. 34b. (1) The Michigan sentencing commission shall do all**  
3 **of the following:**

4       **(a) Collect, prepare, analyze, and disseminate information**  
5 **regarding state and local sentencing and release policies.**

1 (b) Conduct ongoing research regarding the effectiveness of  
2 the sentencing guidelines in achieving the purposes set forth in  
3 subdivision (d).

4 (c) In cooperation with the department of corrections,  
5 collect, analyze, and compile data and make projections regarding  
6 the populations and capacities of state correctional facilities,  
7 the impact of the sentencing guidelines, and the effectiveness of  
8 efforts to reduce recidivism. Measurement of recidivism must  
9 include, as applicable, analysis of both of the following:

10 (i) Resentence rates and return-to-prison rates.

11 (ii) 1-, 2-, 3-, and 4-year intervals after exiting prison or  
12 jail and after entering probation.

13 (d) Develop recommended modifications to the sentencing  
14 guidelines. Any modifications to the sentencing guidelines must  
15 accomplish all of the following:

16 (i) Provide for the protection of the public.

17 (ii) Consider offenses involving violence against a person or  
18 serious and substantial pecuniary loss as more severe than other  
19 offenses.

20 (iii) Be proportionate to the seriousness of the offense and the  
21 offender's prior criminal record.

22 (iv) Reduce sentencing disparities based on factors other than  
23 offense characteristics and ensure that offenders with similar  
24 offense characteristics receive substantially similar sentences.

25 (v) Specify the circumstances under which a term of  
26 imprisonment is proper and the circumstances under which  
27 intermediate sanctions are proper.

28 (vi) Establish sentence ranges for imprisonment that the  
29 commission considers appropriate and are permitted by law.

1 (e) Consider the suitability and impact of offense variable  
2 scoring with regard to victims and victims' families and victim  
3 input and advice regarding sentences.

4 (2) In developing modifications to the sentencing guidelines,  
5 the commission shall submit to the legislature a prison and jail  
6 impact report relating to any modifications to the sentencing  
7 guidelines. The report must include the projected impact on total  
8 capacity of state and local correctional facilities.

9 (3) Modifications to sentencing guidelines must include  
10 recommended intermediate sanctions for each case in which the upper  
11 limit of the recommended minimum sentence range is 18 months or  
12 less.

13 (4) Subject to this subsection, the commission may recommend  
14 modifications to any law that affects sentencing or the use and  
15 length of incarceration. The commission shall not make  
16 recommendations that would change the body of enumerated criminal  
17 offenses as defined by the legislature. The commission shall not  
18 make a recommendation for any policy implementing any behavioral or  
19 programming credits. The commission shall not make a recommendation  
20 that would retroactively change existing sentences already imposed  
21 on an individual. The recommendations must reflect all of the  
22 following policies:

23 (a) To render sentences in all cases within a range of  
24 severity proportionate to the gravity of offenses, victim input,  
25 and the blameworthiness of an offender.

26 (b) When reasonably feasible, to achieve offender  
27 rehabilitation, general deterrence, incapacitation of dangerous  
28 offenders, restoration of crime victims and communities, and  
29 reintegration of offenders into the law-abiding community.

1 (c) To render sentences no more severe than necessary to  
2 achieve the applicable purposes in subdivisions (a) and (b).

3 (d) To preserve judicial discretion to individualize sentences  
4 within a framework of law.

5 (e) To produce sentences that are uniform in their reasoned  
6 pursuit of the purposes in subsection (1).

7 (f) To eliminate inequities in sentencing and length of  
8 incarceration across population groups.

9 (g) To promote research on sentencing policy and practices,  
10 including assessments of the effectiveness of criminal sanctions as  
11 measured against their purposes.

12 (5) The commission shall submit any recommended modifications  
13 to the sentencing guidelines or to other laws to the senate  
14 majority leader, the speaker of the house of representatives, and  
15 the governor.

16 (6) By December of each year, the commission shall submit to  
17 the legislature, the governor, and the Michigan supreme court a  
18 report on the implementation of legislative policies adopted in the  
19 current legislative session affecting the criminal justice system.  
20 The report must include, but need not be limited to, all of the  
21 following:

22 (a) Education of practitioners on changes in legislative  
23 policy, including changes in criminal statutes and an analysis of  
24 the expected impact of those changes on prison and jail populations  
25 and the average length of the sentences imposed.

26 (b) The length of probation supervision terms imposed.

27 (c) The number of noncompliance, risk, and major risk  
28 sanctions imposed on the probation population.

29 Enacting section 1. This amendatory act does not take effect

1 unless House Bill No. 4173 of the 102nd Legislature is enacted into  
2 law.