



**House
Legislative
Analysis
Section**

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CORRECTIONS: RESIDENTIAL HOMES

House Bill 4940 as enrolled
Second Analysis (7-3-90)

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Sponsor: Rep. Sal Rocca

House Committee: Corrections Mich. State Law Library
Senate Committee: Criminal Justice and Urban Affairs

THE APPARENT PROBLEM:

As a general rule, prisoners who are within 180 days of their release date receive community placement. That placement can take the form of corrections facilities operated by the Department of Corrections, electronic tethering at home, or residential homes operated by private parties under contract with the department. Residential homes, typically located in residential neighborhoods, provoke much public controversy. A person convicted of second degree murder was recently placed in a residential home in Sterling Heights, generating a local outcry and leading to a provision in the department's fiscal year 1989-90 budget that bars the placement of assaultive prisoners in residential homes.

Many oppose the use of residential homes, arguing that department-operated corrections centers, with their 24-hour security, offer better protection for the community and more appropriate placement for prisoners. Neighbors of residential homes criticize them for putting citizens at greater risk of crime and lowering property values. According to the department, it is phasing out the use of residential homes; as of December 1989, it reported that about half a dozen, housing under a hundred prisoners, continued in existence. Statutory assurances are sought to ensure that residential homes are phased out by a certain time.

THE CONTENT OF THE BILL:

The bill would amend the corrections code, Public Act 232 of 1953, to ban residential homes commencing on the bill's effective date. As of that date, the corrections department would be prohibited from opening a facility in, or entering into a new contract for, a dwelling originally constructed or intended to be used to house one family. The bill also would, commencing September 30, 1990, prohibit prisoners serving sentences for assaultive crime from being placed in a privately owned, noncommercial residential dwelling used for housing prisoners (Public Act 183 of 1989, the Department of Corrections budget act, bars such placement until that date).

MCL 791.265F

FISCAL IMPLICATIONS:

According to the Department of Corrections, the bill would have no fiscal implications. (12-8-89)

ARGUMENTS:

For:

By ensuring that the corrections department eliminates the use of community residential homes by the end of 1990, the bill would protect the public from the risks associated with placing prisoners in privately-operated homes located in residential neighborhoods. Neighbors of such homes are

at increased risk of suffering from crime and lowered property values. When prisoners are ready for community placement, they should be put into corrections centers with adequate supervision and security, not in privately-operated residential homes where supervision is lacking.

Against:

Residential homes may not necessarily present the risk to the public that they are commonly perceived to do. Prisoners placed in such facilities are within three months of being released, and can be placed on electronic tether.

Against:

The potential effect of the bill is not completely clear. The bill does not explain what it means by "noncommercial" homes, nor does it affect the electronic tether program, which can be used to place prisoners outside of corrections centers. While the expectation appears to be that prisoners now being placed in residential homes will instead be placed in supervised halfway houses, it could be that those prisoners will simply be placed on electronic tether in private homes.

H.B. 4940 (7-3-90)