

SFA

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

• (517) 373-5383

RECEIVED
APR 17 1989

Mich. State Law Library

Senate Bills 187 through 197

Sponsor: Senator Jack Welborn (Senate Bills 187 and 192)
Senator Doug Carl (Senate Bills 188 and 193)
Senator Lana Pollack (Senate Bills 189 and 194)
Senator Rudy J. Nichols (Senate Bills 190 and 195)
Senator Christopher D. Dingell (Senate Bills 191 and 196)
Senator Ed Fredricks (Senate Bill 197)

Committee: Criminal Justice and Urban Affairs

Date Completed: 3-8-89

SUMMARY OF SENATE BILLS 187 through 197 as introduced 3-7-89:

Senate Bill 187 would amend the Executive Organization Act to require the appointment of a Director of the Department of Corrections who, instead of the Corrections Commission, would head the Department. Senate Bill 190 would repeal Public Act 195 of 1935. Senate Bill 192 would amend the Department of Corrections Act to transfer administrative responsibilities of the Commission to the Director. Senate Bills 188, 189, 191, and 193-197 would amend various acts to make them consistent with Senate Bill 187.

Senate Bills 188-197 are tie-barred to Senate Bill 187.

Senate Bill 187

The bill would amend the Executive Organization Act to require that a Director of the Department of Corrections be appointed by the Governor, with the advice and consent of the Senate, to serve at the pleasure of the Governor. The bill also would repeal two provisions of the Act (MCL 16.378 and 16.379) pertaining to the transfer of the Department and the composition of the Corrections Commission.

MCL 16.376

Senate Bill 190

The bill would repeal Public Act 195 of 1935, which established and regulates probation recovery camps.

MCL 798.1-798.6

S.B. 187-197 (3-8-89)

Senate Bill 192

The bill would amend the Department of Corrections Act to delete references to the Corrections Commission and provide for the Governor, rather than the Commission, to appoint a Director of the Department. The Department would consist of and be administered by, instead of the Commission, the Director and other officers and assistants appointed or employed by the Department. The Director also would be responsible for duties of the Commission specified in the Act, such as the administration of penal institutions, annual reporting to the Governor and the Legislature, site selection for correctional facilities, appointment of probation officers, and enforcement of order with respect to jails and lockups.

MCL 791.201 et al.

Senate Bills 188, 189, 191 and 193-197

The bills would amend the following Acts to replace references to the Corrections Commission with references to the Department of Corrections or the Director:

- Public Act 325 of 1982, in regard to "rated design capacity" (i.e., the Department's determination of the actual available bed space of the general population) of a county jail. (Senate Bill 188)
- The Code of Criminal Procedure, in regard to the appointment of probation officers, and the failure to carry out the terms of a sentence reduced for time served upon a void sentence. (Senate Bill 189)
- The Correctional Officers' Training Act, in regard to membership on the correctional officers' training council and certification of State correctional officers. (Senate Bill 191)
- Public Act 181 of 1911, in regard to the payment of prisoners for work on public projects. (Senate Bill 193)
- Public Act 17 of 1909, in regard to the definition of "prisoner" under that Act, which pertains to limiting prisoners' access to weapons, liquor, and controlled substances. (Senate Bill 194)
- The Correctional Industries Act, in regard to the employment of inmates. (Senate Bill 195)
- The State Correctional Facility Reimbursement Act, in regard to the determination of prisoners' cost of care. (Senate Bill 196)
- The Special Alternative Incarceration Act, in regard to special alternative incarceration units (work camps for young adult first-time offenders). (Senate Bill 197)

MCL 801.51 (S.B. 188)
762.13 and 769.11a (S.B. 189)
791.503 et al. (S.B. 191)
800.101 (S.B. 193)
800.281a (S.B. 194)
800.323 et al. (S.B. 195)
800.401a (S.B. 196)
798.14 (S.B. 197)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 187 would reduce State GF/GP expenditures by \$1,350 per month in FY 1988-89 and \$16,200 in FY 1989-90. The bill would have no fiscal impact on local government.

Senate Bills 188-197 would have no fiscal impact on State or local government. (Although Senate Bill 190 would repeal an Act that authorizes the establishment of probation recovery camps, the Department has not operated such a camp for a number of years.)

Fiscal Analyst: B. Burghardt

S8990\S187SA

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.