



**House  
Legislative  
Analysis  
Section**

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**PRISONERS: END EXTENDED FURLOUGHS**

**House Bill 4084 (Substitute H-2) with committee  
amendments**

**First Analysis (11-10-87)**

**RECEIVED**

**Sponsor: Rep. Floyd Clack  
Committee: Corrections**

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**THE APPARENT PROBLEM:**

In an effort to both ease prison overcrowding and encourage soon-to-be-released prisoners to find employment and prepare to re-enter the community, the Department of Corrections has authorized extended furloughs for a number of prisoners, meaning that the prisoners are allowed to live at home while still "inmates" of the corrections system. According to the department, to qualify for an extended furlough a prisoner must be in the community residential program, meet the department's criteria for classification as "low-risk", and, generally, be employed. (Although a prisoner must be in the community residential program in an administrative sense, that person is not necessarily housed in a community corrections facility such as a halfway house at the time extended furlough is granted. However, according to the department, the vast majority of prisoners placed on extended furlough first spend some time — usually about 30 days — in a community residential facility.)

For statutory authority for its extended furlough program, the department uses Public Act 232 of 1953, which allows the department to authorize a prisoner to visit a specifically designated place or places for up to 30 days. The law says that this furlough may be granted for family emergencies, medical treatment, job hunting, or "any other compelling reason consistent with the public interest," which the department has construed to include prison overcrowding. The department also considers a furlough to be renewable, so that, while it requires furloughed prisoners to check in every week, it also allows furloughs to last more than 30 days; extended furloughs typically last several months. The furlough provision also has been used as authority for the release of prisoners 30 days before their parole date.

The department's community residential program, of which the extended furlough program is a part, has come under increasing criticism from the press and the public. The department acknowledges that it has in recent years used the community residential program to help relieve overcrowding and has placed prisoners who should not have been there in the community residential program. Some heinous crimes have been committed by prisoners in the minimally-staffed community residential program. Unfortunately, the extended furlough program cannot be adequately evaluated because the department has not maintained records on furloughed prisoners as a group apart from the rest of the community residential program.

Lack of data on furloughed prisoners, various problems with the community residential program in general, and strong concerns over the potential threat to the public posed by furloughed prisoners were cited in the November 1985 report issued by the House Committee on Corrections following its investigation of the corrections department (MDOC). The committee recommended "that the MDOC immediately eliminate the existing extended furlough program and that the legislature amend the furlough law to reflect this."

**THE CONTENT OF THE BILL:**

The bill would amend Public Act 232 of 1953 to prohibit the corrections department from renewing furloughs. Under the bill, certain restrictions on furloughs would be placed on prisoners housed in a state correctional facility, which the bill defines as a facility owned or leased by the department, exclusive of a community correction center or a community residential home. The maximum amount of time for a furlough, or series of furloughs, could not exceed a cumulative total of 30 days. Existing provisions authorizing furloughs for family emergencies and job hunting would be retained, but the provision "for any other compelling reasons consistent with the public interest," which was used as authority for granting furloughs to ease overcrowding, would be deleted. Furloughs for medical services not otherwise available to a prisoner housed in a state correctional facility would also be retained; however, there would be no maximum time limitation on release under this provision.

For those prisoners housed at community corrections centers or community residential homes while working at paid employment, the 30-day restriction on furloughs would not apply. The bill would, however, require that these prisoners be housed either in a corrections center with 24-hour security staffing or be placed on electronic monitoring (tethers). The bill would define the former as a facility in which a security staff is on duty at all times, and the latter as a residence in which electronic monitoring of prisoner presence is provided at all times. The bill would also include participation in educational programs or in community residential drug treatment programs as reasons to provide furloughs for those prisoners housed in community centers or homes, and would delete the provision which authorizes the state to reimburse each county for costs incurred in the prosecution of escapees. Provision is made for this reimbursement in Senate Bill 106. Under the bill, prisoners serving a mandatory life sentence for first degree murder one would not be eligible for community corrections placement until the parole board had established a release date.

The bill would take effect 180 days after enactment.

MCL 791.265a.

**FISCAL IMPLICATIONS:**

The Department of Corrections reports that as of September 30, 1987, 700 prisoners were on extended furlough status. As introduced, the bill would have simply have eliminated extended furloughs, and required the construction or leasing of an estimated 500 beds at a minimum cost of \$9.5 million. If introduced at this time, the elimination of extended furloughs would virtually have shut the system down. The substitute bill provides the alternative of requiring every prisoner who is not in a corrections center with 24 hour security staffing to be placed on electronic monitoring (tether). This program is already funded and under way, and could be implemented

H.B. 4084 (11-10-87)

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