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CRIME ON BOND: CONSECUTIVE SENTENCING

House Bill 4615 as enrolled
Second Analysis (2-22-88)

Sponsor: Rep. John G. Strand
House Committee: Judiciary
Senate Committee: Judiciary

THE APPARENT PROBLEM:

Although available evidence is largely anecdotal, it is clear that people released on bond often commit crimes while awaiting trial. While judges are authorized to impose consecutive sentences when a criminal commits a felony while out on bond for a previous felony, many believe that such felons are all too likely to receive concurrent sentences. To appropriately punish felons who continue to commit crimes while free on bond, and to create a better deterrant to those who would commit such crimes, it has been suggested that consecutive sentences be required when a criminal commits a felony while awaiting disposition for another felony.

THE CONTENT OF THE BILL:

The bill would amend the Code of Criminal Procedure to require that from April 1, 1988 through December 31, 1991, consecutive sentences be imposed when a person commits a felony while awaiting disposition of a prior felony charge. (At present, consecutive sentencing is allowed, but not required, except in cases where the subsequent offense is a major controlled substance offense; in such cases, the law now requires consecutive sentencing.)

The Department of Corrections would have to report to the legislature no later than June 1, 1991 on the impact that the bill had on prison capacity and population.

MCL 768.7b

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill result in an indeterminate increase in state expenditures in Fiscal Year 1987-88. The impact would be the result of two factors: the number of individuals affected by the bill, and the length of the sentence which would run consecutively. (1-22-88)

ARGUMENTS:

For:

The law should deal strictly with criminals who continue to commit serious crimes while released pending disposition of other serious criminal charges. The bill would ensure that felons who commit felonies while released on bond receive consecutive, rather than concurrent, sentences. Consecutive sentencing would properly punish such behavior, would incapacitate such criminals and thereby protect the public for a greater period of time than concurrent sentencing, and could have a deterrent effect on felons contemplating further predatory crime while out on bond.

Against:

The bill would eliminate judicial discretion on a matter which should be judged on a case-by-case basis. It would not give judges a sentencing option which they now lack, but rather would remove one which they now have. Further, by mandating consecutive sentencing it would greatly worsen prison overcrowding, with attendant fiscal consequences; this effect would be magnified by the recent trend to create statutory mandatory minimum sentences for various crimes. In short, the bill presents potential social and financial costs.