



**House
Legislative
Analysis
Section**

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MAKE JAIL ESCAPE A FELONY

House Bill 4621 as passed by the House
Second Analysis (8-11-87)

RECEIVED

Sponsor: Rep. Richard A. Sofio
Committee: Judiciary

SEP 14 1987

Mich. State Law Library

THE APPARENT PROBLEM:

According to the Michigan Sheriffs' Association, escapes from jail are on the rise. The problem is worsened by the increased numbers of felons being lodged in county jails — one of the effects of overcrowding in the state's prisons. Although jails may house serious offenders, the penalty for escape from jail is a misdemeanor with a maximum penalty of one additional year, while the penalty for escape from prison is a felony punishable by five additional years in prison. Sheriffs have suggested that escaping jail also be made a felony.

THE CONTENT OF THE BILL:

The bill would amend the penal code to make escaping from jail a felony, instead of the misdemeanor that it now is. Separate penalties would apply to prisoners jailed for misdemeanors and those jailed for felonies. For prisoners jailed on misdemeanor charges, the maximum penalty would be imprisonment for two years and a fine of \$1,000. The bill would not specify a penalty for those jailed on felony charges, meaning that the standard felony penalty of up to four years in prison and/or a fine of up to \$2,000 would apply for those offenders.

The bill would not apply to someone granted day parole who failed to return on time, provided that person did not intend to escape.

MCL 750.195 and 750.197

FISCAL IMPLICATIONS:

The House Fiscal Agency says that the bill's state and local fiscal impacts are undeterminable. The agency notes, however, that costs to the state will increase according to the number of local jail escapees sentenced to state prison, and that costs to local units of government will be commensurately decreased. (8-11-87)

ARGUMENTS:

For:

By making a jail escape a felony rather than a misdemeanor, the bill would make the penalty for escaping from jail proportionate to the seriousness of the offense. Further, accused or convicted felons who escaped or attempted to escape could be punished more harshly than people jailed for misdemeanors. With the more severe penalties, the law could have a deterrent effect greater than exists now, particularly for the felons to whom a one-year misdemeanor seems insignificant. The numbers of those felons in county jails has risen in recent years, as prison overcrowding led to more state prisoners — and more serious offenders — being housed in county jails. Since it already is a felony to escape prison or to assault a guard while escaping or attempting to escape jail, the bill would make for better consistency in the way the law treats escape.

POSITIONS:

The Department of State Police supports the bill. (7-23-87)

The Michigan Sheriffs' Association supports the bill. (7-24-87)

The Prosecuting Attorneys' Association of Michigan supports the bill. (7-23-87)

H.B. 4621 (8-11-87)