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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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House Bill 4084 (Substitute H-2)

Sponsor: Representative Floyd Clack

House Committee: Corrections

Senate Committee: Criminal Justice, Urban Affairs, and Economic Development

Date Completed: 6-8-88

SUMMARY OF HOUSE BILL 4084 (Substitute H-2) as passed by the House:

The bill would amend Public Act 232 of 1953, which authorizes the Department of Corrections to allow a prisoner to visit a designated place for up to 30 days for certain purposes. The bill would:

- Set a 30-day total limit on a furlough for the purpose of visiting a critically ill relative, attending the funeral of a relative, or contacting prospective employers.
- Allow a furlough only if the prisoner would not become a menace to society or the public safety.
- Require the Department to report to the Legislature on furloughed prisoners.
- Provide for certain furloughed prisoners either to be housed in a corrections center having 24-hour security staffing, or to be placed on electronic monitoring.
- Provide that a furlough could not be granted to a prisoner serving a sentence for first degree murder until a parole release date was established by the parole board.

Current law authorizes the Department to "extend the limits of the place of confinement of a prisoner" to visit a specifically designated place or places for up to 30 days for the purpose of visiting a critically ill relative, attending the funeral of a relative, obtaining medical services not otherwise available, or contacting prospective employers, or for "any other compelling reason consistent with the public interest". The bill provides, instead, that the Department could extend the limits of confinement, when there was reasonable assurance, after consideration of all the facts and circumstances, that the prisoner would not become a menace to society or to the public, by authorizing the prisoner to visit a specifically designated place or places. A furlough under this provision could be granted only to a prisoner housed in a State correctional facility to visit a critically ill relative, attend the funeral of a relative, or contact prospective employers. The maximum time of such a furlough could not exceed a cumulative total period of 30 days. ("State correctional facility" would not include a community corrections center or community residential home.) On or before July 1, 1989, the Department would have to report to the standing committees of the Senate and House having

jurisdiction over corrections, the number of prisoners released under this provision, the amount of time each prisoner was released, and any major misconducts or crimes committed by a prisoner released under this provision between July 1, 1988, and July 1, 1989.

Furloughs could continue to be granted in order to obtain medical services not otherwise available to a prisoner housed in a State correctional facility; or to work at paid employment, participate in a training or educational program, or participate in a community residential drug treatment program while continuing as a prisoner housed on a voluntary basis at a community corrections center or in a community residential home. (The 30-day restriction would not apply to furloughs for these purposes.) "Community corrections center" would mean a facility contracted for or operated by the Department in which a security staff is on duty seven days per week, 24 hours per day. "Community residential home" would mean a facility where electronic monitoring of prisoner presence is provided by the Department seven days per week, 24 hours per day.

The bill also would delete the provision that authorizes the State to reimburse counties for costs incurred in the prosecution of inmates (which has been replaced by Public Act 272 of 1987).

MCL 791.265a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would result in a GF/GP expenditure increase for the State of \$735,000 in FY 1987-88 and \$1,890,000 in FY 1988-89.

The bill would require the Department of Corrections to place all prisoners on extended furlough on the electronic tether monitoring system. The net cost to the State for an individual on the electronic tether is budgeted at \$2,100 per year for FY 1988-89. Based on an average of 350 prisoners during FY 1987-88 and 900 average home furlough tethered prisoners in FY 1988-89, the cost to the State would be \$735,000 and \$1,890,000, respectively.

Fiscal Analyst: B. Burghardt

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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.