

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

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**House Bill 4615 (Substitute H-1 as reported with amendment)****Sponsor:** Representative John G. Strand**House Committee:** Judiciary**Senate Committee:** Judiciary**Date Completed:** 1-22-88***RATIONALE***

Many have voiced concern that people released on bond do not have a sufficient deterrent from committing 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 impose appropriate punishment upon felons who continue to commit crimes while free on bond, and to create a better deterrent 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.

***CONTENT***

House Bill 4615 (H-1) 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 committed a felony offense while awaiting disposition of a prior felony charge. Currently, consecutive sentencing is allowed in such a case, but not required, except for cases in which the subsequent offense is a major controlled substance offense; in those cases, the Code requires consecutive sentencing. Under the bill, that distinction would resume beginning January 1, 1992.

The bill would require the Department of Corrections to report to the Legislature, no later than June 1, 1991, on the bill's impact on prison capacity and population.

MCL 768.7b

***SENATE COMMITTEE ACTION***

The Senate Judiciary Committee adopted an amendment to the bill to change the effective date of the bill from January 1, 1988, to April 1, 1988.

***FISCAL IMPACT***

The bill would result in an indeterminate increase in State expenditures in FY 1987-88. The indeterminate impact would be the result of two primary factors:

- The number of individuals who would be affected by the provisions of the bill;
- The length of the sentence imposed by the sentencing judge for the subsequent offense which would run consecutively.

For FY 1987-88, the average cost per prisoner is \$20,700. Any increase in the sentence to be served in the State's secure correctional facilities would increase State expenditures accordingly.

***ARGUMENTS******Supporting Argument***

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 committed felonies while released on bond received 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.

***Opposing Argument***

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, the bill 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.

Legislative Analyst: B. Baker

Fiscal Analyst: B. Burghardt

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.