

**SFA**

BILL ANALYSIS

RECEIVED

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

JUL 06 1988

MICH. STATE LAW LIBRARY

**House Bill 5231 (as reported without amendment)****Sponsor: Representative Philip E. Hoffman****House Committee: Judiciary****Senate Committee: Criminal Justice, Urban Affairs, and Economic Development****Date Completed: 5-13-88**

H.B. 5231 (5-13-88)

***RATIONALE***

The Michigan Penal Code requires a prison escapee to be tried in the county in which the administrative office of the prison from which he or she escaped is located. Reportedly, this requirement places a significant burden on Jackson County, not only because of the number of correctional facilities located there, but also because the prison camp at Waterloo maintains the records and is the administrative locus for minimum security camps located throughout the Lower Peninsula. Thus, escape charges against walkaways from camps elsewhere in the Lower Peninsula must be brought in Jackson County. Many believe that it would be more sensible for the Act to specify prosecution in the county in which the escape occurred.

***CONTENT***

The bill would amend the Michigan Penal Code to require the trial of a prison escapee to take place in the county where the facility from which he or she escaped was located. Under current law, an escapee must be tried in the county in which the "administrative office" of the prison or penal facility is located.

The bill would take effect on July 1, 1988.

MCL 750.193

***FISCAL IMPACT***

The bill would have no fiscal impact on State expenditures in FY 1987-88. The Department reports that transportation and related security expenditures involved with the transport of escapees from the camp program would remain at the current level if the bill were enacted.

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

The bill would create a more equitable situation with regard to where prison escapees are tried, and which counties must bear the costs of those prosecutions. Currently, Jackson County handles a disproportionate share of such cases because it contains the administrative offices of facilities not within its borders, and, consequently, many cases must be tried there even though the actual escape occurred in another county. By specifying prosecution in the county of a facility's location, rather than the administrative office's location, the bill would ease the burden for Jackson County and redistribute the responsibility for trying these cases.

Legislative Analyst: P. Affholter  
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.