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BILL ANALYSIS

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Senate Bill 129 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Alan Sanborn
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to allow a sentencing court to place an individual convicted of a "listed offense" (an offense requiring registration under the Sex Offenders Registration Act) on probation for a minimum of five years, and require the court to order such an individual not to reside, work, or loiter within a "student safety zone" (an area within 1,000 feet of school property). The bill would take effect October 15, 2005.

The requirement that a probationer be prohibited from residing within a student safety zone would not apply to individual who was a patient in a hospital or hospice located within the zone; an individual who was under 19 years old and was attending school and living with his or her parent or guardian; or an individual who was living within the zone on the bill's effective date, but such a person could not have contact with any minors (individuals under 16) within the zone.

The court could not prohibit a probationer from working within a student safety zone if he or she was working within the zone on the bill's effective date, but the person could not have contact with any minors in the course of his or her employment within the zone. The court also could not prohibit a probationer from working within a student safety zone if he or she only intermittently or sporadically entered a zone for purposes of work.

The five-year minimum period of probation would not apply to a person convicted of certain criminal sexual conduct (CSC) offenses committed when the person was under 17, or a fourth-degree CSC offense committed when the person was under 21; or an individual who had successfully completed his or her probationary period under the Holmes Youthful Trainee Act (HYTA) for a listed offense and had been discharged from HYTA status.

MCL 771.2a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that the bill could increase the average lengths of probation periods ordered, it would increase corrections costs. Local units of government incur the costs of misdemeanor probation, which vary by county. The State incurs the cost of felony probation at an average annual cost of \$2,000. By creating additional conditions of probation, the bill also could make it more difficult for an offender to complete a probationary period without violations, thereby potentially increasing contacts with the criminal justice system and increasing related costs.

Date Completed: 6-29-05

Fiscal Analyst: Bethany Wicksall

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Analysis available @ <http://www.michiganlegislature.org>

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.