



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 937 and 974 (as passed by the Senate)
Senate Bill 975 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Marty Knollenberg (S.B. 937)
Senator Tonya Schuitmaker (S.B. 974)
Senator Peter MacGregor (S.B. 975)
Committee: Michigan Competitiveness

Date Completed: 8-25-16

CONTENT

The bills would amend separate statutes to define "recidivism" as follows: the rearrest, reconviction, or reincarceration in prison or jail, or any combination of those events, of an individual as measured first after three years and again after five years from the date of his or her release from incarceration, placement on probation, or conviction, whichever is later, and probation and parole violations as well as misdemeanor and felony convictions, if recidivism data regarding technical probation and parole violations are collected and maintained separately from data on new felony or misdemeanor convictions.

Each bill would take effect 90 days after its enactment.

Senate Bill 937

The bill would add the definition of "recidivism" to the Corrections Code.

Currently, two sections of the Code use the term "recidivism". Section 33e requires the Department of Corrections to develop parole guidelines, taking into consideration various factors; allows the Parole Board to depart from the guidelines under certain circumstances; and requires the Department, at least every two years, to review the correlation between the implementation of the parole guidelines and the recidivism rate of paroled prisoners.

Section 34a provides for the placement of a prisoner in a special alternative incarceration unit and requires the Department to report annually to the Legislature regarding the impact of the section, including a report concerning recidivism.

Senate Bill 974

The bill would add the definition of "recidivism" to the Community Corrections Act.

The Act creates the Office of Community Corrections within the Department of Corrections, and creates the State Community Corrections Advisory Board within the Office. The responsibilities of the Board include adopting a variety of key performance indicators that promote offender success, ensure the effective monitoring of offenders, and evaluate community corrections programs. At least one of the key performance measures must be recidivism, and there may be multiple recidivism measures to account for accessibility to state

and national databases, local ability to collect data, and the resources needed to collect the data.

The Act defines "key performance indicator" as a measure that captures the performance of a critical variable to expand and promote community-based corrections programs to promote offender success, ensure accountability, enhance public safety, and reduce recidivism.

Senate Bill 975 (S-1)

The bill would add the definition of "recidivism" to the Code of Criminal Procedure.

The term is used in two sections of the Code. Section 33a of Chapter IX (Judgment and Sentence) establishes responsibilities of the Criminal Justice Policy Commission. Among other things, in cooperation with the Department of Corrections, the Commission is required to collect, analyze, and compile data and make projections regarding the populations and capacities of State and local correctional facilities, the impact of the sentencing guidelines and other laws, rules, and policies on those populations and capacities, and the effectiveness of efforts to reduce recidivism. Measurement of recidivism must include, as applicable, analysis of the following:

- Rearrest rates, resentencing rates, and return to prison rates.
- One-, two-, and three-year intervals after exiting prison or jail and after entering probation.
- The statewide level, and by locality and discrete program, to the extent possible.

In addition, Section 36 of Chapter VIII (Trials) allows a defendant to be found "guilty but mentally ill" and contains related provisions, including provisions for treatment. When a treating facility discharges a defendant before the expiration of his or her sentence, it must transmit to the Parole Board a report that contains certain information, including the potential for recidivism.

Proposed MCL 791.208a (S.B. 937)
MCL 791.402 (S.B. 974)
MCL 761.1 (S.B. 975)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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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.