

Legislative Analysis



CRIMINAL JUSTICE POLICY COMMISSION: EXTEND SUNSET

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<http://www.house.mi.gov/hfa>

Senate Bill 844 as reported from House committee
Sponsor: Sen. John Proos
House Committee: Law and Justice
Senate Committee: Judiciary
Complete to 10-24-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 844 would amend the Code of Criminal Procedure to extend, by four years, the statutory authority for the Criminal Justice Policy Commission (CJPC). Under the bill, Sections 32a and 33a of the Code, which create the CJPC and prescribe its duties, would be repealed on January 12, 2023, instead of January 12, 2019.

The bill would take effect 90 days after its enactment.

MCL 769.33a

BACKGROUND INFORMATION:

Public Act 465 of 2014 created the 17-member Criminal Justice Policy Commission within the Legislative Council and tasked it with several duties. Included in the duties is a requirement to conduct ongoing research regarding the effectiveness of the sentencing guidelines in achieving certain listed purposes, such as providing for the protection of the public, ensuring that guidelines are proportionate to the seriousness of the offense and the offender's prior record, and reducing sentencing disparities so that offenders with similar offense and offender characteristics receive substantially similar sentences.

The CJPC is authorized to submit to the legislature and governor recommended modifications to the sentencing guidelines, other laws, administrative rules, or policies that affect sentencing or the use and length of incarceration. Among issues the CJPC has studied since its creation is the potential impact on counties of the "Raise the Age" legislative package, which would end the automatic treatment as adults of juveniles who are 17 years old if arrested or charged with a crime.

HOUSE COMMITTEE ACTION:

The House Committee on Law and Justice reported the Senate-passed version of the bill without amendment.

FISCAL IMPACT:

Senate Bill 844 would increase costs for the Legislative Council related to the CJPC by an indeterminate amount due to the four-year extension of the commission. The magnitude of these costs would be directly related to the extent and frequency of commission activity. That said, there is an unencumbered balance of approximately \$550,000 to pay for any costs associated with commission activities, mitigating the need for future appropriations. Commission members do not receive salaries, but they are reimbursed for necessary expenses incurred while conducting business of the commission. Additionally, under statute, the Legislative Council must provide the commission with suitable office space, staff, and necessary equipment.

POSITIONS:

The following entities indicated support for the bill (9-25-18):

Safe and Just Michigan

Prosecuting Attorneys Association of Michigan

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