



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 23 and 24 (as reported without amendment)
Sponsor: Senator John Proos
Committee: Michigan Competitiveness

CONTENT

Senate Bill 23 would amend the Probation Swift and Sure Sanctions Act to do the following:

- Create the "Swift and Sure Probation Supervision Fund" and require the State Treasurer to allocate sufficient money from the Fund to allow the State Court Administrative Office to administer the Act and to provide grants to fund circuit court programs of swift and sure probation supervision.
- Allow a court that received a grant to accept participants from other jurisdictions in the State based upon the residence of the participant in the receiving jurisdiction or the unavailability of a swift and sure probation supervision program in the jurisdiction where the participant was charged.
- Provide that a transfer would not be valid without the agreement of the following: the defendant or respondent and his or her attorney, the judge of the transferring court, the prosecutor of the case, the judge of the receiving court, and the prosecutor of that court's funding unit.
- Establish eligibility criteria for participants in the Swift and Sure Probation Supervision Program based on a validated risk assessment.
- Provide that a defendant would be ineligible to participate if he or she were charged with first- or second-degree murder, first- or third-degree criminal sexual conduct, armed robbery, treason against the State, or a major controlled substance offense.
- Allow an individual who was eligible for the Program to request not to participate in it.

Senate Bill 24 would amend the Revised Judicature Act to allow the circuit court in any judicial circuit to institute a swift and sure sanctions court, and accept participants from other jurisdictions in the State with the agreement of various individuals (those who would have to agree to a transfer under Senate Bill 23).

MCL 771.3-771.6 (S.B. 23)
Proposed MCL 600.1086 (S.B. 24)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 23 would have an indeterminate fiscal impact on State and local government. The Swift and Sure Probation Supervision Program is a voluntary program for courts in the State. The State Court Administrative Office currently administers the grant program for courts wishing to implement the program. The budget for fiscal year 2016-17 appropriates \$4.0 million for the grants, although the State is not obligated to continue funding them. If passage of the bill led to more courts implementing swift and sure probation sanctions, it would result in greater costs to local government or the State, or both, depending on whether the grants to local jurisdictions were increased or not.

Senate Bill 24 would have an indeterminate fiscal impact on State and local government. Under the bill, circuit courts would be allowed, but not required, to institute a swift and sure sanctions court. The cost to local government would depend on how many jurisdictions chose to set up these courts and how many probationers were admitted to the program. The typical costs involved with this program are for an increased number of hearings before a judge and bed space in local jails for sanctions. The State Court Administrative Office currently has a grant program set up to reimburse local courts that run swift and sure sanctions courts, but the State would not be obligated to fund them under the bill.

If the program led to fewer probationers having probation revoked and being sentenced to prison, there would be savings to the State. For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the decreased intake of prisoners lowered the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year.

Date Completed: 1-27-17

Fiscal Analyst: Ryan Bergan