



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 844 (as passed by the Senate)
Sponsor: Senator John Proos
Committee: Judiciary

Date Completed: 11-9-18

RATIONALE

The Criminal Justice Policy Commission was established under Public Act 465 of 2014. The Commission is tasked with a number of responsibilities, including collecting, preparing, and analyzing information regarding State and local sentencing, proposed release policies and practices for felonies, and how misdemeanor sentences and pretrial detention affect local jails. The Commission is composed of 17 members who represent judges, prosecutors, criminal defense attorneys, the Department of Corrections, and other stakeholders in the criminal justice system. Currently, the Commission is scheduled to sunset on January 12, 2019. Some contend that the Commission has been an effective tool for proposing criminal justice policy, and note that there are ongoing policy efforts that could be jeopardized by the sunset. Accordingly, it has been suggested that the sunset provision be extended.

CONTENT

The bill would amend Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure to delay the sunset date of the Criminal Justice Policy Commission from January 12, 2019, to January 12, 2023.

Section 32a of Chapter IX establishes the Criminal Justice Policy Commission within the Legislative Council, and provides for the appointment of its members and its procedures.

Under Section 33a, the Commission must do all of the following:

- Collect, prepare, analyze, and disseminate information regarding State and local sentencing and proposed release policies and practices for felonies and the use of prisons and jails.
- Collect and analyze information concerning how misdemeanor sentences and the detention of defendants pending trial affect local jails.
- Conduct ongoing research regarding the effectiveness of the sentencing guidelines in achieving certain purposes, such as providing for the protection of the public, and ensuring that the guidelines are proportionate to the seriousness of the offense and the offender's prior criminal record.
- In cooperation with the Department of Corrections, 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.
- In cooperation with the State Court Administrator, collect, analyze, and compile data regarding the effect of sentencing guidelines on the caseload, docket flow, and case backlog of the State's trial and appellate courts.
- Develop modifications to the sentencing guidelines for recommendation to the Legislature.
- Consider the suitability and impact of offense variable scoring with regard to physical and psychological injury to victims and victims' families.

Sections 32a and 33a are scheduled to be repealed effective January 12, 2019. Under the bill, these sections would be repealed on January 12, 2023.

The bill would take effect 90 days after its enactment.

MCL 769.33a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

When the Commission was established under Public Act 465 of 2014, the Legislature included a sunset provision. It was unknown at the time what the full scope of the Commission would be, what its findings would be, and how effective it would be at accomplishing its goals. The Commission has demonstrated itself to be an effective tool for providing the Legislature with guidance and recommendations for creating sound criminal justice policy. Some of these recommendations and suggested reforms (such as a uniform system for collecting criminal justice data) are ongoing. Absent the bill, the statute establishing the Commission and prescribing its duties will be repealed on January 12, 2019. Under the bill, the Commission would be extended for another four years, which would allow it to continue advising the Legislature on the development of sound, evidenced-based criminal justice policy.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

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

Fiscal Analyst: Joe Carrasco

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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.