

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 844

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 33a of chapter IX (MCL 769.33a), as added by
2014 PA 465.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER IX

Sec. 33a. (1) The criminal justice policy commission shall do
all of the following:

(a) 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.

(b) Collect and analyze information concerning how misdemeanor
sentences and the detention of defendants pending trial affect
local jails.

1 (c) Conduct ongoing research regarding the effectiveness of
2 the sentencing guidelines in achieving the purposes set forth in
3 subdivision (f).

4 (d) In cooperation with the department of corrections,
5 collect, analyze, and compile data and make projections regarding
6 the populations and capacities of state and local correctional
7 facilities, the impact of the sentencing guidelines and other laws,
8 rules, and policies on those populations and capacities, and the
9 effectiveness of efforts to reduce recidivism. Measurement of
10 recidivism shall include, as applicable, analysis of all of the
11 following:

12 (i) Rearrest rates, resentence rates, and return to prison
13 rates.

14 (ii) One-, 2-, and 3-year intervals after exiting prison or
15 jail and after entering probation.

16 (iii) The statewide level, and by locality and discrete
17 program, to the extent practicable.

18 (e) In cooperation with the state court administrator,
19 collect, analyze, and compile data regarding the effect of
20 sentencing guidelines on the caseload, docket flow, and case
21 backlog of the trial and appellate courts of this state.

22 (f) Develop modifications to the sentencing guidelines for
23 recommendation to the legislature. Any modifications to the
24 sentencing guidelines shall accomplish all of the following:

25 (i) Provide for the protection of the public.

26 (ii) Consider offenses involving violence against a person or
27 serious and substantial pecuniary loss as more severe than other

1 offenses.

2 (iii) Be proportionate to the seriousness of the offense and
3 the offender's prior criminal record.

4 (iv) Reduce sentencing disparities based on factors other than
5 offense characteristics and offender characteristics and ensure
6 that offenders with similar offense and offender characteristics
7 receive substantially similar sentences.

8 (v) Specify the circumstances under which a term of
9 imprisonment is proper and the circumstances under which
10 intermediate sanctions are proper.

11 (vi) Establish sentence ranges for imprisonment that are
12 within the minimum and maximum sentences allowed by law for the
13 offenses to which the ranges apply.

14 (vii) Maintain separate sentence ranges for convictions under
15 the habitual offender provisions in sections 10, 11, 12, and 13 of
16 this chapter, which may include as an aggravating factor, among
17 other relevant considerations, that the accused has engaged in a
18 pattern of proven or admitted criminal behavior.

19 (viii) Establish sentence ranges that the commission considers
20 appropriate.

21 (ix) Recognize the availability of beds in the local
22 corrections system and that the local corrections system is an
23 equal partner in corrections policy, and preserve its funding
24 mechanisms.

25 (g) Consider the suitability and impact of offense variable
26 scoring with regard to physical and psychological injury to victims
27 and victims' families.

1 (2) In developing proposed modifications to the sentencing
2 guidelines, the commission shall submit to the legislature a prison
3 and jail impact report relating to any modifications to the
4 sentencing guidelines. The report shall include the projected
5 impact on total capacity of state and local correctional
6 facilities.

7 (3) Proposed modifications to sentencing guidelines shall
8 include recommended intermediate sanctions for each case in which
9 the upper limit of the recommended minimum sentence range is 18
10 months or less.

11 (4) The commission may recommend modifications for submission
12 to the legislature to any law, administrative rule, or policy that
13 affects sentencing or the use and length of incarceration. The
14 recommendations shall reflect all of the following policies:

15 (a) To render sentences in all cases within a range of
16 severity proportionate to the gravity of offenses, the harms done
17 to crime victims, and the blameworthiness of offenders.

18 (b) When reasonably feasible, to achieve offender
19 rehabilitation, general deterrence, incapacitation of dangerous
20 offenders, restoration of crime victims and communities, and
21 reintegration of offenders into the law-abiding community.

22 (c) To render sentences no more severe than necessary to
23 achieve the applicable purposes in subdivisions (a) and (b).

24 (d) To preserve judicial discretion to individualize sentences
25 within a framework of law.

26 (e) To produce sentences that are uniform in their reasoned
27 pursuit of the objectives described in subsection (1).

1 (f) To eliminate inequities in sentencing and length of
2 incarceration across population groups.

3 (g) To encourage the use of intermediate sanctions.

4 (h) To ensure that adequate resources are available for
5 carrying out sentences imposed and that rational priorities are
6 established for the use of those resources.

7 (i) To promote research on sentencing policy and practices,
8 including assessments of the effectiveness of criminal sanctions as
9 measured against their purposes.

10 (j) To increase the transparency of the sentencing and
11 corrections system, its accountability to the public, and the
12 legitimacy of its operations.

13 (5) The commission shall submit any recommended modifications
14 to the sentencing guidelines or to other laws, administrative
15 rules, or policies to the senate majority leader, the speaker of
16 the house of representatives, and the governor.

17 (6) This section and section 32a of this chapter are repealed
18 ~~4 years after the effective date of the amendatory act that added~~
19 ~~this section.~~ **SEPTEMBER 30, 2019.**