

SENATE BILL No. 844

February 27, 2018, Introduced by Senators PROOS, BIEDA, GREGORY, BOOHER, COLBECK, BRANDENBURG, HANSEN, EMMONS and CONYERS and referred to the Committee on Judiciary.

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

1 local jails.

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

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

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

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

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

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

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

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

27 (ii) Consider offenses involving violence against a person or

1 serious and substantial pecuniary loss as more severe than other
2 offenses.

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

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

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

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

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

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

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

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

1 and victims' families.

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

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

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

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

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

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

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

27 (e) To produce sentences that are uniform in their reasoned

1 pursuit of the objectives described in subsection (1).

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

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

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

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

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

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

18 (6) This section and section 32a of this chapter are repealed
19 ~~4 years after the effective date of the amendatory act that added~~
20 ~~this section.~~ **JANUARY 12, 2023.**

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.