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BILL ANALYSIS



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Senate Bill 494 (Substitute S-4 as reported)

Sponsor: Senator Sylvia Santana

Committee: Elections and Ethics

CONTENT

The bill would enact a new law to do the following:

- Require the Michigan Department of Corrections (MDOC) to collect a newly incarcerated individual's pre-incarceration address and demographic data, beginning six months after the bill's effective date.
- Require the MDOC to provide to the Independent Citizens Redistricting Commission (Commission) the pre-incarceration address and the geographic unit containing the correctional facility in which an individual was located for each individual who was incarcerated on the date of the taking of the census, by November 1 of each year immediately following the U.S. Census.
- Require the Department of State (MDOS) to request from the U.S. Department of Justice a report containing certain information pertaining to individuals who were incarcerated in a Federal incarceration facility or contractual Federal reentry center or who were under the Department of Justice's supervision on the date of a Federal census, by November 1 of each year immediately following a census.
- Require the MDOS to transmit this report to the Commission.
- Allow the Commission to take information contained in the report into consideration while proposing a redistricting plan.

BRIEF RATIONALE

The MDOC operates 27 correctional facilities, which are generally rural white communities; however, testimony before the Senate Committee on Elections and Ethics indicates that the State's prison population largely originates from urban, multicultural areas. The State's prison population (32,374 in 2022) is disproportionately nonwhite (18,055). While the MDOC's six Upper Peninsula correctional facilities only hold 0.19% of the State's prisoners, they hold 21% (3,865) of the State's nonwhite prisoners, compared to 0.15% (2,159) of the State's white prisoners.¹ Some believe this represents a trend called prison gerrymandering, wherein incarcerated individuals from urban areas are relocated to rural areas, counted in that area's population, and used to bolster population numbers for greater political representation at cost to urban communities. Accordingly, some have suggested that Michigan count prisoners in the communities they resided in before incarceration.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill likely would have a negligible fiscal impact on the State and no fiscal impact for local units of government. The MDOC has indicated that it already collects demographic data upon intake to a Michigan correctional facility and currently has the data available for an estimated

¹ MDOC, *2022 Statistical Report*, p. C-72, May 31, 2023.

80% of the current population. There could be some additional staff time needed to comply with the bill's requirements and, should the hiring of additional staff become necessary, the average annual cost of a full-time State classified employee is an estimated \$138,900 for salary and benefits.

The MDOS likely could incur costs related to reprogramming software to be able to accept the data submitted by the MDOC. The cost to the MDOS would likely be minimal and absorbable within current annual appropriations.

Date Completed: 12-6-24

Fiscal Analyst: Joe Carrasco, Jr.

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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.