HOUSE BILL NO. 6444

November 05, 2026, Introduced by Rep. Hope and referred to Committee on Judiciary.

A bill to amend 1927 PA 175, entitled

"The code of criminal procedure,"

by amending section 34a of chapter IX (MCL 769.34a), as added by 2024 PA 273.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

Sec. 34a. (1) The Michigan sentencing commission is created in the legislative council. The legislative council shall provide the commission with suitable office space, staff, and necessary

equipment. The commission consists of the chairperson appointed by the governor under subsection (4) and all of the following members:

(a) Two individuals who are members of the senate, consisting of 1 member from each caucus appointed by the leader of that caucus.

(b) Two individuals who are members of the house of representatives, consisting of 1 member from each caucus appointed by the leader of that caucus.

(c) The attorney general or the attorney general's designee.

(d) One individual who is a circuit court judge, serving in a county with a population of less than 800,000, appointed from a list of 3 names submitted by the Michigan Judges Association.

(e) One individual who is a circuit court judge, serving in a county with a population of more than 800,000, appointed from a list of 3 names submitted by the Michigan Judges Association.

(f) One individual who represents law enforcement, appointed from a list of 6 names, with 3 submitted by the Michigan Association of Chiefs of Police and 3 names submitted by the Michigan Sheriffs' Association.

(g) One individual who represents the prosecuting attorneys of this state, appointed from a list of 3 names not all of whom are affiliated with the same political party, submitted by the Prosecuting Attorneys Association of Michigan.

(h) One individual who is an attorney in good standing appointed from a list of 3 names submitted by the Criminal Defense Attorneys of Michigan.

(i) One individual who is a member of a nongovernmental nonprofit that serves victims and represents victim service providers.

(j) ~~One~~ **For members appointed before the effective date of the 2026 amendatory act that amended this subdivision, 1** individual who was previously incarcerated. **For members appointed after the effective date of the 2026 amendatory act that amended this subdivision, 1 individual who was convicted of a felony in this state and served a sentence of not less than 5 years in a department of corrections facility.**

(k) One individual who works in the mental or behavioral health field.

(*l*) The director of the ~~Michigan~~ department of corrections or the director's designee.

(2) Before January 1, 2024, the speaker of the house of representatives shall appoint 1 of the commission members described in subsection (1)(d) and (e) and the minority leader of the house of representatives shall appoint the remaining commission member. Before January 1, 2024, the senate majority leader shall appoint 1 of the commission members described in subsection (1)(f) and (g) and the senate minority leader shall appoint the remaining commission member. Before January 1, 2024, the speaker of the house of representatives shall appoint 1 of the commission members described in subsection (1)(h) and (i) and the minority leader of the house of representatives shall appoint the remaining commission member. Before January 1, 2024, the senate majority leader shall appoint 1 of the members described in subsection (1)(j) and (k) and the senate minority leader shall appoint the remaining commission member.

(3) The speaker of the house of representatives, the minority leader of the house of representatives, the senate majority leader, and the senate minority leader shall appoint the members under

subsection (1)(d) to (k) before January 1, 2024. However, if any appointment under subsection (1)(d) to (k) is not made by January 1, 2024, the chairperson shall appoint a member meeting the applicable qualifications under subsection (1)(d) to (k). If a vacancy for 1 or more of the members under subsection (1)(d) to (k) occurs, the vacancy must be filled in the same manner as the original appointment not more than 30 days after it occurs. If the vacancy is not filled within 30 days, the chairperson shall appoint a member to the fill the vacancy. A member appointed to fill a vacancy caused by a resignation or death must be appointed for the balance of the unexpired term. Each member described in subsection (1)(h) to (k) must attest either that the member affiliates with 1 of the 2 political parties with the largest representation in the legislature, and if so, identify the political party with which the member affiliates, or that the member does not affiliate with either of the major political parties. Not less than 1 of the appointments made under subsection (1) must be from a different affiliation than the other appointments.

(4) Before January 1, 2024, the governor shall appoint, with advice and consent of the senate, 1 member to the Michigan sentencing commission who must serve as chairperson. The chairperson must be appointed for a term of 4 years. The chairperson shall serve as a nonvoting member of the commission. The individual appointed as chairperson must have a professional background in criminal law.

(5) Except as otherwise provided in this subsection, the commission members must be appointed for terms of 4 years. The members of the commission appointed under subsection (1)(a) and (b) must be appointed for terms of 2 years. The members first serving

under subsection (1)(d), (e), (f), and (g) shall serve for 4 years. The members first serving under subsection (1)(h), (i), (j), and (k) shall serve for 3 years. The members first serving under subsection (1)(c) and (*l*) shall serve for 2 years.

(6) Except as provided in subsection (3) for a member under subsection (1)(d) to (k), a vacancy on the commission caused by the expiration of a term or a resignation or death must be filled in the same manner as the original appointment. A member appointed to fill a vacancy caused by a resignation or death must be appointed for the balance of the unexpired term.

(7) Except for the chairperson, a commission member must not receive a salary for being a commission member but must be reimbursed for the member's reasonable, actual, and necessary expenses incurred in the performance of the member's duties as a commission member.

(8) The commission may establish subcommittees that may consist of individuals who are not members of the commission, including, but not limited to, experts in matters of interest to the commission. A subcommittee member, who is not a member of the commission, shall not vote on any recommendations made by the commission. A subcommittee member shall not receive a salary for the subcommittee member's service on a subcommittee.

(9) The commission's business must be conducted at public meetings held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(10) A quorum consists of a majority of the members of the commission. All commission business must be conducted by not less than a quorum.

(11) A writing prepared, owned, used, in the possession of, or

retained by the commission in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.