

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

769.34b Michigan sentencing commission; duties; report.

Sec. 34b.

(1) The Michigan sentencing commission shall do all of the following:

(a) Collect, prepare, analyze, and disseminate information regarding state and local sentencing and release policies.

(b) Conduct ongoing research regarding the effectiveness of the sentencing guidelines in achieving the purposes set forth in subdivision (d).

(c) In cooperation with the department of corrections, collect, analyze, and compile data and make projections regarding the populations and capacities of state correctional facilities, the impact of the sentencing guidelines, and the effectiveness of efforts to reduce recidivism. Measurement of recidivism must include, as applicable, analysis of both of the following:

(i) Resentence rates and return-to-prison rates.

(ii) 1-, 2-, 3-, and 4-year intervals after exiting prison or jail and after entering probation.

(d) Develop recommended modifications to the sentencing guidelines. Any modifications to the sentencing guidelines must accomplish all of the following:

(i) Provide for the protection of the public.

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

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

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

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

(vi) Establish sentence ranges for imprisonment that the commission considers appropriate and are permitted by law.

(e) Consider the suitability and impact of offense variable scoring with regard to victims and victims' families and victim input and advice regarding sentences.

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

(3) Modifications to sentencing guidelines must include recommended intermediate sanctions for each case in which the upper limit of the recommended minimum sentence range is 18 months or less.

(4) Subject to this subsection, the commission may recommend modifications to any law that affects sentencing or the use and length of incarceration. The commission shall not make recommendations that would change the body of enumerated criminal offenses as defined by the legislature. The commission shall not make a recommendation for any policy implementing any behavioral or programming credits. The commission shall not make a recommendation that would retroactively change existing sentences already imposed on an individual. The recommendations must reflect all of the following policies:

(a) To render sentences in all cases within a range of severity proportionate to the gravity of offenses, victim input, and the blameworthiness of an offender.

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

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

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

(e) To produce sentences that are uniform in their reasoned pursuit of the purposes in subsection (1).

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

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

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

(6) By December of each year, the commission shall submit to the legislature, the governor, and the Michigan supreme court a report on the implementation of legislative policies adopted in the current legislative session affecting the criminal justice system. The report must include, but need not be limited to, all of the following:

- (a) Education of practitioners on changes in legislative policy, including changes in criminal statutes and an analysis of the expected impact of those changes on prison and jail populations and the average length of the sentences imposed.
- (b) The length of probation supervision terms imposed.
- (c) The number of noncompliance, risk, and major risk sanctions imposed on the probation population.

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