

Legislative Analysis



FAMILY ADVISORY BOARD

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<http://www.house.mi.gov/hfa>

Senate Bill 195 as enacted
Public Act 309 of 2020

Sponsor: Sen. Stephanie Chang

House Committee: Judiciary

Senate Committee: Judiciary and Public Safety

Complete to 1-1-21

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: Senate Bill 195 amends the Corrections Code of 1953 to require the Department of Corrections (DOC) to create a Family Advisory Board as part of a mandated family reunification policy. The board must, among other things, assist in the development of policies, procedures, and programs that support family reunification during and after incarceration.

FISCAL IMPACT: Senate Bill 195 would have an indeterminate fiscal impact on the state Department of Corrections. The department would be required to create a Family Advisory Board. Members of the board would serve without compensation, but would be eligible for reimbursement for their actual and necessary expenses incurred while performing their duties as board members. Additional costs to the state would depend on the amount of actual expenses incurred. The department would be required to provide staffing, office space, and information technology for the board to carry out its work. According to the department, costs would likely be covered by existing resources.

THE APPARENT PROBLEM:

Multiple studies have found that maintaining positive family and friendship relationships during a period of incarceration is a key factor in reducing recidivism. But limits on visits and phone calls, plus the costs to travel to the prison (which may be hundreds of miles away with no available public transportation) and the cost of long-distance phone calls make staying in contact difficult and burdensome. According to one study, 34% of family members interviewed went into debt just to pay for phone calls and visits. Family members who were unable to communicate with the inmate reported experiencing negative health impacts, which included feelings of hopelessness, depression, and anxiety.¹

To combat the issues stemming from the breakup of families due to incarceration, the Family Participation Program was created.² However, the program has struggled without continuous support. The bill creates a permanent Family Advisory Board to address the many issues that families face as a result of incarceration.

¹ "Who Pays? The True Cost of Incarceration on Families," <http://whopaysreport.org/key-findings/>

² <https://familypp.weebly.com/>

THE CONTENT OF THE BILL:

Family Advisory Board

The board consists of at least 11 and up to 16 members, including the following:

- One DOC employee designated by the director of the DOC.
- The legislative corrections ombudsman.
- Four to six individuals who are family members of individuals *currently* incarcerated in Michigan.
- One to three individuals who are family members of individuals *formerly* incarcerated in Michigan.
- At least one individual who has a parent formerly or currently incarcerated in Michigan.
- At least one and up to two individuals who were formerly incarcerated in Michigan.
- One individual who is a social worker who has training and expertise dealing with mental health issues and experience working with formerly or currently incarcerated individuals.
- One individual who is an advocate for or mentor to individuals incarcerated in Michigan.

Members of the board serve without compensation but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

Duties

In addition to regular meetings, the board must annually hold at least two public informational meetings in different regions of the state for family members and the public to provide comments. The board must also do all of the following:

- Assist the DOC by providing feedback regarding policies and procedures that impact family reunification during and after incarceration.
- Assist and advise the DOC in developing programs that support family reunification during and after incarceration.
- Enhance communication between the DOC and families regarding issues that affect a broad range of current and formerly incarcerated individuals and their families. This includes gathering information from individuals in the region and across the state with family members who are currently or formerly incarcerated, including a review of comment cards submitted at individual correctional facilities.
- Identify barriers concerning family reunification during and after incarceration.
- File an annual report with the chairs of the Senate and House committees concerned with the DOC and criminal justice issues regarding its activities under the bill. The report would have to be filed before October 1 of each year.

The board can create regional committees or facility-focused family councils to carry out its duties.

Necessary staffing for the board to fulfill its duties must be provided by the DOC. The DOC must also provide information about the board on its website and in the waiting rooms of correctional facilities, including the board's contact information for obtaining information and assistance with family-related issues.

The bill takes effect March 24, 2021.

MCL 791.214a

ARGUMENTS:

For:

Supporters of the bill argue that to decrease recidivism and increase the success rate of individuals reentering society from jail or prison, strong family ties and support systems are needed. Because studies show that individuals are successful when staying in contact with family members throughout incarceration, it is important to advance family connections in Michigan jails and prisons.

Against:

No arguments against the bill were presented during House committee testimony.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.