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PRISONER BOOT CAMPS: REVISE ELIGIBILITY

House Bill 4656

Sponsor: Rep. Paul N. DeWeese

Committee: Criminal Justice

Complete to 7-19-01

A SUMMARY OF HOUSE BILL 4656 AS INTRODUCED 4-24-01

Except when a mandatory sentence for a particular offense is prescribed by law, Michigan's criminal justice system uses an indeterminate sentencing policy. Maximum sentences for criminal offenses are specified in statute and a judge imposes a minimum sentence. Under Public Act 22 of 1992, the Department of Corrections (DOC) must consider placing a person in a special alternative incarceration unit (boot camp) if that person has been sentenced to an indeterminate term with a minimum sentence of 36 months or less. House Bill 4656 would amend the DOC act to instead allow a prisoner sentenced for any crime other than breaking and entering of a dwelling to be eligible for placement in a boot camp if the date of placement in the boot camp occurred not more than 36 months before the earliest date on which the prisoner otherwise would be eligible for parole.

Currently under the act, a prisoner who is sentenced for breaking and entering of an occupied dwelling may be considered for placement only if his or her minimum sentence is 24 months or less. However, the act specifies breaking and entering involving any occupied dwelling house and cites Section 110 of the Michigan Penal Code, which actually refers to breaking and entering of a tent, hotel, office, store, shop, warehouse, barn, granary, factory, boat, ship, or railroad car. The bill would change the citation to Section 110a of the penal code, which prohibits the breaking and entering of a dwelling.

In addition, a prisoner serving a sentence for a second or subsequent violation of a controlled substance offense is not eligible for boot camp participation until after he or she has served the mandatory minimum sentence prescribed in statute. The bill would eliminate this restriction.

Further, persons sentenced for certain crime categories are excluded from boot camp participation, primarily those convicted of serious or assaultive offenses and those punished under the Code of Criminal Procedure for repeat felony convictions. The bill would specify that a prisoner punished under the Code of Criminal Procedure for repeat felony convictions could still be eligible for boot camp participation if he or she had never previously served a term of imprisonment in a state correctional facility and if his or her previous conviction was not for a felony or felonies listed in the DOC act as precluding placement in a boot camp.

MCL 791.234a

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