

SENATE BILL No. 828

September 16, 2009, Introduced by Senator CROPSEY and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 35 of chapter IX (MCL 769.35), as added by 1998
PA 317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

Sec. 35. The department of corrections shall operate a jail
reimbursement program that provides funding to counties for housing
offenders in county jails who otherwise would have been sentenced
to prison. The criteria for reimbursement ~~, including but not~~
~~limited to criteria for determining those offenders who otherwise~~
~~would have been sentenced to prison, and the~~ **SHALL INCLUDE, BUT NOT**
BE LIMITED TO, ALL OF THE FOLLOWING FOR EACH OFFENDER FOR WHOM

1 REIMBURSEMENT IS MADE:

2 (A) A SENTENCING GUIDELINES RECOMMENDED RANGE UPPER LIMIT OF
3 MORE THAN 18 MONTHS.

4 (B) A SENTENCING GUIDELINES RECOMMENDED RANGE LOWER LIMIT OF
5 12 MONTHS OR LESS.

6 (C) A PRIOR RECORD VARIABLE SCORE OF 35 OR MORE POINTS.

7 (D) A MINIMUM SENTENCING GUIDELINES RANGE MINIMUM OF MORE THAN
8 12 MONTHS.

9 (E) THE OFFENDER'S SENTENCE IS NOT FOR COMMISSION OF A CRIME
10 IN CRIME CLASS G OR CRIME CLASS H UNDER CHAPTER XVII OF THE CODE OF
11 CRIMINAL PROCEDURE, 1927 PA 175, MCL 777.1 TO 777.69.

12 (2) THE rate of reimbursement shall be established in the
13 annual appropriations acts for the department of corrections.
14 FUNDING FOR THE JAIL REIMBURSEMENT PROGRAM SHALL BE AN AMOUNT EQUAL
15 TO 1% OF THE GENERAL FUND PORTION OF THE ENACTED ANNUAL FISCAL YEAR
16 BUDGET FOR THE DEPARTMENT OF CORRECTIONS, BUT SHALL NEVER BE LESS
17 THAN AN AMOUNT EQUAL TO 1% OF THE GENERAL FUND PORTION OF THE
18 FISCAL YEAR 2008-2009 BUDGET FOR THE DEPARTMENT OF CORRECTIONS.