



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 948 (Substitute S-1 as reported)
Senate Bill 949 (as reported without amendment)
Sponsor: Senator John Proos
Committee: Michigan Competitiveness

CONTENT

Senate Bill 948 (S-1) would amend the Probation Swift and Sure Sanctions Act (Chapter XIA of the Code of Criminal Procedure) to do the following:

- Create the "Swift and Sure Probation Supervision Fund" and require the State Treasurer to allocate money from the Fund for administration of the Act and for grants to fund circuit court programs of swift and sure probation supervision.
- Allow a court that received a grant to accept participants from other jurisdictions in the State, if certain conditions were met.
- Require a judge, if swift and sure probation applied to a probationer, to adhere to the prescribed list of sanctions and remedies imposed on the probationer, in addition to complying with other requirements.
- Provide that an individual would be eligible for the Swift and Sure Probation Supervision Program if 1) he or she received a risk score of high on a validated risk assessment; or 2) he or she received a risk score other than high or low on a validated risk assessment and the judge, prosecutor, and defendant agreed to the defendant's placement in the Program.
- Provide that an individual who was eligible to participate in the Program could request not to be sentenced to probation in it, and the court could place the individual on probation under Chapter XI of the Code (which provides for the Parole Board).
- Provide that a defendant who was charged with any of the following would not be eligible: first- or second-degree murder; first- or third-degree criminal sexual conduct; treason against the State; armed robbery; or a major controlled substance offense.

Senate Bill 949 would amend the Revised Judicature Act to allow the circuit court in any judicial circuit to institute a swift and sure sanctions court, and accept participants from other jurisdictions in the State based on the residence of a participant or the unavailability of a swift and sure sanctions court in the jurisdiction where the participant was charged. A transfer would not be valid unless all of the following agreed to it: the defendant or respondent; the attorney representing the defendant or respondent; the judge of the transferring court and the prosecutor of the case; and the judge of the receiving court and the prosecutor of a court funding unit of that court.

MCL 771.3-771.6 (S.B. 948)
Proposed MCL 600.1086 (S.B. 949)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 948 (S-1) would have an indeterminate fiscal impact on State and local government. The Swift and Sure Probation Supervision Program is a voluntary program for courts in the State. The State Court Administrative Office currently administers the grant program for courts wishing to implement the Program. The budget for fiscal year 2015-16

appropriated \$4,250,000 for the grants, although the State is not obligated to continue funding them. If passage of the bill led to more courts implementing swift and sure probation sanctions, it would result in greater costs to local government or the State, or both, depending on whether the grants to local jurisdictions were increased or not.

Senate Bill 949 would have an indeterminate fiscal impact on State and local government. The cost to local government would depend on how many jurisdictions chose to institute swift and sure sanctions courts and how many probationers were admitted to the Program. The typical costs involved with this Program are for an increased number of hearings before a judge and bed space in local jails for sanctions. The State Court Administrative Office currently has a grant program set up to reimburse local courts that run swift and sure sanctions courts, but the State would not be obligated to fund them under the bill.

If the Program led to fewer probationers having probation revoked and being sentenced to prison, there would be savings to the State. For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the decreased intake of prisoners lowered the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year.

Date Completed: 5-27-16

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.