

HOUSE BILL NO. 4883

September 03, 2019, Introduced by Reps. Robinson and LaFave and referred to the Committee on Government Operations.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 33a of chapter IX (MCL 769.33a), as amended by
2018 PA 576; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 CHAPTER IX
2 Sec. 33a. (1) The criminal justice policy commission shall do
3 all of the following:
4 (a) Collect, prepare, analyze, and disseminate information



1 regarding state and local sentencing and proposed release policies
2 and practices for felonies and the use of prisons and jails.

3 (b) Collect and analyze information concerning how misdemeanor
4 sentences and the detention of defendants pending trial affect
5 local jails.

6 (c) Conduct ongoing research regarding the effectiveness of
7 the sentencing guidelines in achieving the purposes set forth in
8 subdivision (f).

9 (d) In cooperation with the department of corrections,
10 collect, analyze, and compile data and make projections regarding
11 the populations and capacities of state and local correctional
12 facilities, the impact of the sentencing guidelines and other laws,
13 rules, and policies on those populations and capacities, and the
14 effectiveness of efforts to reduce recidivism. Measurement of
15 recidivism ~~shall~~**must** include, as applicable, analysis of all of
16 the following:

17 (i) Rearrest rates, resentencing rates, and return to prison
18 rates.

19 (ii) One-, 2-, and 3-year intervals after exiting prison or
20 jail and after entering probation.

21 (iii) The statewide level, and by locality and discrete program,
22 to the extent practicable.

23 (e) In cooperation with the state court administrator,
24 collect, analyze, and compile data regarding the effect of
25 sentencing guidelines on the caseload, docket flow, and case
26 backlog of the trial and appellate courts of this state.

27 (f) Develop modifications to the sentencing guidelines for
28 recommendation to the legislature. Any modifications to the
29 sentencing guidelines ~~shall~~**must** accomplish all of the following:



1 (i) Provide for the protection of the public.

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

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

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

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

14 (vi) Establish sentence ranges for imprisonment that are within
15 the minimum and maximum sentences allowed by law for the offenses
16 to which the ranges apply.

17 (vii) Maintain separate sentence ranges for convictions under
18 the habitual offender provisions in sections 10, 11, 12, and 13 of
19 this chapter, which may include as an aggravating factor, among
20 other relevant considerations, that the accused has engaged in a
21 pattern of proven or admitted criminal behavior.

22 (viii) Establish sentence ranges that the commission considers
23 appropriate.

24 (ix) Recognize the availability of beds in the local
25 corrections system and that the local corrections system is an
26 equal partner in corrections policy, and preserve its funding
27 mechanisms.

28 (g) Consider the suitability and impact of offense variable



1 scoring with regard to physical and psychological injury to victims
2 and victims' families.

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

9 (3) Proposed modifications to sentencing guidelines ~~shall~~**must**
10 include recommended intermediate sanctions for each case in which
11 the upper limit of the recommended minimum sentence range is 18
12 months or less.

13 (4) The commission may recommend modifications for submission
14 to the legislature to any law, administrative rule, or policy that
15 affects sentencing or the use and length of incarceration. The
16 recommendations ~~shall~~**must** reflect all of the following policies:

17 (a) To render sentences in all cases within a range of
18 severity proportionate to the gravity of offenses, the harms done
19 to crime victims, and the blameworthiness of offenders.

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

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

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

28 (e) To produce sentences that are uniform in their reasoned
29 pursuit of the objectives described in subsection (1).



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

3 (g) To encourage the use of intermediate sanctions.

4 (h) To ensure that adequate resources are available for
5 carrying out sentences imposed and that rational priorities are
6 established for the use of those resources.

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

10 (j) To increase the transparency of the sentencing and
11 corrections system, its accountability to the public, and the
12 legitimacy of its operations.

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

17 (6) This section ~~and section 32a of this chapter are~~ **is**
18 repealed September 30, ~~2019.~~ **2023.**

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No. ____ or House Bill No. 4865 (request no.
21 03950'19) of the 100th Legislature is enacted into law.

