

# HOUSE BILL NO. 4384

April 12, 2023, Introduced by Rep. Meerman and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 777.69) by adding section 34b to chapter IX.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER IX

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**Sec. 34b. (1) The Michigan sentencing commission shall do all  
of the following:**

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**(a) Collect, prepare, analyze, and disseminate information  
regarding state and local sentencing and release policies and**

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1 practices for felonies and the use of prisons and jails.

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

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

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

15 (i) Resentence rates and return-to-prison rates.

16 (ii) 1-, 2-, and 3-year intervals after exiting prison or jail  
17 and after entering probation.

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

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

24 (f) Develop modifications to the sentencing guidelines. Any  
25 modifications to the sentencing guidelines must accomplish all of  
26 the following:

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

28 (ii) Consider offenses involving violence against a person or  
29 serious and substantial pecuniary loss as more severe than other

1 offenses.

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

4 (iv) Reduce sentencing disparities based on factors other than  
5 offense characteristics and ensure that offenders with similar  
6 offense characteristics receive substantially similar sentences.

7 (v) Specify the circumstances under which a term of  
8 imprisonment is proper and the circumstances under which  
9 intermediate sanctions are proper.

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

13 (vii) Establish sentence ranges that the commission considers  
14 appropriate.

15 (viii) Consider the necessity for local corrections system  
16 capacity and maintain funding to ensure that capacity.

17 (g) Consider the suitability and impact of offense variable  
18 scoring with regard to victims and victims' families and victim  
19 input and advice regarding sentences.

20 (2) In developing modifications to the sentencing guidelines,  
21 the commission shall submit to the legislature a prison and jail  
22 impact report relating to any modifications to the sentencing  
23 guidelines. The report must include the projected impact on total  
24 capacity of state and local correctional facilities.

25 (3) Modifications to sentencing guidelines must include  
26 recommended intermediate sanctions for each case in which the upper  
27 limit of the recommended minimum sentence range is 18 months or  
28 less.

29 (4) The commission may recommend modifications to any law,

1 administrative rule, or policy that affects sentencing or the use  
2 and length of incarceration. The recommendations must reflect all  
3 of the following policies:

4 (a) To render sentences in all cases within a range of  
5 severity proportionate to the gravity of offenses, victim input,  
6 and the blameworthiness of an offender.

7 (b) When reasonably feasible, to achieve offender  
8 rehabilitation, general deterrence, incapacitation of dangerous  
9 offenders, restoration of crime victims and communities, and  
10 reintegration of offenders into the law-abiding community.

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

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

15 (e) To produce sentences that are uniform in their reasoned  
16 pursuit of the purposes in subsection (1).

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

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

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

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

26 (j) To increase the transparency of the sentencing and  
27 corrections system, its accountability to the public, and the  
28 legitimacy of its operations.

29 (5) The commission shall submit any recommended modifications

1 to the sentencing guidelines or to other laws, administrative  
2 rules, or policies to the senate majority leader, the speaker of  
3 the house of representatives, and the governor.

4 (6) By December of each year, the commission shall submit to  
5 the legislature, the governor, and the Michigan supreme court a  
6 report on the implementation of legislative policies adopted in the  
7 current legislative session affecting the criminal justice system.  
8 The report must include, but need not be limited to, all of the  
9 following:

10 (a) Education of practitioners on changes in legislative  
11 policy, including changes in criminal statutes and an analysis of  
12 the expected impact of those changes on prison and jail populations  
13 and the average length of the sentences imposed.

14 (b) The length of probation supervision terms imposed.

15 (c) The number of noncompliance, risk, and major risk  
16 sanctions imposed on the probation population.

17 (d) Noncompliance and risk sanctions imposed on the parole  
18 supervision population.

19 (e) Parole guideline decisions.

20 (f) Implementation of revisions to the community corrections  
21 act, 1988 PA 511, MCL 791.401 to 791.414.

22 Enacting section 2. This amendatory act does not take effect  
23 unless House Bill No. 4173 of the 102nd Legislature is enacted into  
24 law.