



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4397 (Substitute H-1 as reported with amendment)

Sponsor: Representative James McNutt
 House Committee: Judiciary and Civil Rights
 Senate Committee: Judiciary

Date Completed: 3-30-95

RATIONALE

According to most if not all accounts, Michigan's prison system is rapidly running out of room. Although the Legislature has approved an expansion, and a request for further expansion is pending, no new beds are anticipated to be on line until at least the summer of 1995 when a renovated facility in Newberry is scheduled to open. One suggested way to make some additional beds available before the summer is to double-bunk prisoners at the Western Wayne Correctional Facility. The Department of Corrections law contains a statutory limit on the number of prisoners at that facility, however. The cap originally was enacted in 1985 in response to concerns of citizens in the Plymouth-Northville area about the concentration of prisons in those communities and the number of prisoners in the area. Some people believe that the statutory prison capacity limit for the Western Wayne Correctional Facility now should be increased.

CONTENT

The bill would amend the Department of Corrections law to increase the maximum number of prisoners allowed at the Western Wayne Correctional Facility from 500 to 775.

The bill also would refer to the Scott Correctional Facility as a "multi-security level prison", rather than a "regional prison".

MCL 791.220e

SENATE COMMITTEE ACTION

The Senate Judiciary Committee adopted an amendment to the bill that would refer to the Scott Correctional Facility, which houses only female prisoners, as a "multi-security level prison", rather than a "regional prison".

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would create badly needed additional prison beds. Although more new beds are scheduled to be available in the summer and further expansion is expected, this bill would provide some immediate relief from the crowding problems and avert the need to send the people who should be in prison back to the community early.

Response: Increasing statutory maximum limits for prison capacity undermines the reasons for enacting those limits in the first place. Indeed, rather than revising those limits that currently exist in statute, perhaps maximum capacity levels should be enacted for other prisons to prevent crowding problems.

Opposing Argument

The bill is symptomatic of the problems Michigan faces with its correctional system. It just would delay the inevitable a little longer. Even the planned prison bed expansion program will only get the State through the next few years. What is needed is a thorough review of the State policy toward punishment and rehabilitation and a serious attempt to implement alternatives to the constant expansion of the prison system.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State government.

By raising the prison population cap at the Western Wayne facility, the bill would enable the Department to double-bunk approximately 275 prison cells. While the additional costs of double-bunking would approximate \$2.9 million, this option is less costly than single-bunking these cells (at a cost of approximately \$5.0 million) or constructing new facilities to provide an additional 275 beds.

Fiscal Analyst: M. Hansen

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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.