



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 1126 (Substitute S-2 as reported by the Committee of the Whole)  
Senate Bill 1127 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

**CONTENT**

Senate Bill 1126 (S-2) would amend Chapter XI (Probation) of the Code of Criminal Procedure to require a court to order a person convicted of a felony and allowed to be released from jail for work or school, to wear an electronic monitoring device that would provide a signal to the county sheriff of the individual's movement and location at all times while he or she was on release. The device would have to be a court-approved ankle-worn device that provided information to the county sheriff if it were tampered with or removed. Information provided by the device would have to be recorded and monitored by the county sheriff to ensure the individual's compliance with his or her release requirements. The individual would have to pay costs associated with the device.

The bill would apply only if the court had in place a program to provide for electronic monitoring of individuals placed on probation.

Senate Bill 1127 (S-2) would amend Chapter XI to do the following:

- Require a court to verify that a person was employed or enrolled in school before granting him or her work or school release from jail.
- Require the Department of Corrections to provide that verification to the court, within seven days after the order was issued.
- Prohibit a court from ordering an individual released to attend work or school unless the Department verified the employment or enrollment.
- Require a release order to provide that it was contingent at all times upon the approval of the county sheriff.

The bill also would prohibit a person from knowingly and without authority removing, destroying, or circumventing the operation of an electronic monitoring device or knowingly interfering with a signal, impulse, or data being transmitted by or stored within such a device worn or otherwise used by an individual as a condition of work release or house arrest, bond or other pretrial release, probation, parole, postrelease supervision or postconviction bond, or work or school release under Senate Bill 1126 (S-2). A person also could not request or solicit another to take any of those actions with regard to an electronic monitoring device. A violation would be a felony punishable by up to five years' imprisonment and/or a maximum fine of \$10,000.

The bills are tie-barred

Proposed MCL 771.3e (S.B. 1126)  
MCL 771.3 et al. (S.B. 1127)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills could result in an indeterminate increase in administrative costs to the Department of Corrections due to the added workload of verifying school enrollment or employment. Under the status quo, Department field operations agents typically investigate and put together a pre-sentencing investigation report to assist the judge in sentencing. Therefore, in some cases, the employment or school enrollment may already be verified before the consideration of work release. However, if sufficient time were to elapse before the consideration of work release, the court could require additional investigation or re-verification, which would result in an added burden to Department of Corrections field operations staff. It is unclear at this time whether the responsibilities could be absorbed by current staff and appropriation levels.

The bills also would create a new felony for tampering with or preventing the operation of an electronic monitoring device. Those convicted could be punished by up to five years' imprisonment or a fine of up to \$10,000, or both. The State could incur the cost of incarceration and/or felony probation, and the local unit could incur additional incarceration costs in county jails. Any additional fine revenue would benefit public libraries.

Date Completed: 9-26-12

Fiscal Analyst: Dan O'Connor

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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.