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BILL ANALYSIS



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House Bill 4071 (as passed by the House)
Sponsor: Representative Matt Lori
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 10-4-11

CONTENT

The bill would amend the Corrections Code to revise the criteria for housing two or more inmates in a county jail cell. The proposed revisions include the following:

- **Reducing the square footage required per inmate in cells designed for multiple occupancy.**
- **Deleting certain restrictions on the inmates who may be housed together in cells designed for single occupancy.**
- **Removing a provision under which not more than 75% of the inmate population may be housed two to a cell, in facilities designed for single occupancy.**
- **Deleting a prohibition against the construction of high-security and segregation cells to house multiple inmates.**

Cells Designed for Single Occupancy

The Code requires the Department of Corrections (DOC) to promulgate rules and standards promoting the proper, efficient, and humane administration of jails and lockups that are under the jurisdiction of the county sheriff. The Code specifies that those rules do not prohibit the housing of two inmates in a county jail cell that is designed and constructed for single occupancy and that meets certain conditions.

One of the conditions for housing two inmates in a single cell is that the cell is at least 65 square feet in area and provides unrestricted access to a day area available for use by the inmates other than those being disciplined. The bill would delete "unrestricted" from that provision. Under the Code, the day area must be available at least 14 hours per day and contain an average of at least 20 additional square feet of space per inmate. The bill would delete the requirement that the day area be available at least 14 hours per day.

The bill also would delete the following:

- A provision allowing a person who has no prior criminal convictions to be housed only with another inmate who does not have a prior felony conviction.
- A prohibition against housing an inmate in a cell with another inmate if he or she was convicted of and sentenced for a crime for which he or she is not eligible for parole until having served the minimum term imposed by the court, less an allowance for disciplinary time, unless the sentencing judge authorizes the inmate for that housing.

- A provision allowing not more than 75% of the total inmate population to be housed two to a cell; requiring pretrial inmates to be housed in separate cell blocks or housing units from sentenced inmates; and requiring a jail facility with five or more floors to house pretrial inmates on separate floors from sentenced inmates.

Cells Designed for Multiple Occupancy

The DOC rules for the administration of county jails and lockups may not prohibit the housing of two or more inmates in a county jail cell that is designed and constructed for housing two or more inmates and that meets certain conditions. For cells constructed after January 1, 1988, one of those conditions is that the basic cell has at least 52 square feet in area per inmate. Under the bill, the basic cell would have to have at least 25 square feet in area per inmate or, if the inmates were confined in the cell for 10 or more hours per day, at least 35 square feet in area per inmate.

The bill also would delete a provision prohibiting the construction of high-security and segregation cells to house multiple inmates.

MCL 791.262b & 791.262c

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The bill could potentially result in savings for the State if additional county jail bed capacity resulted in fewer commitments to State prisons. The State currently pays an average annual cost of \$34,000 to house an offender in a correctional facility.

From the county perspective, the bill would have one of two potential effects. For counties where jail capacity has regularly been met or exceeded, savings could accrue if these counties were allowed to house additional offenders rather than moving them to other locations. For counties that generally have excess capacity in their jails, the bill could reduce revenue obtained by housing offenders from neighboring counties.

Fiscal Analyst: Matthew Grabowski

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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.