

SMARTER *on crime*

BETTER *for communities*

Senate Majority Leader Mike Shirkey and Speaker Lee Chatfield are joined today by a bipartisan group of seventeen Michigan Senators and Representatives sponsoring bills based on recommendations from the Michigan Joint Task Force on Jail and Pretrial Incarceration. The package aims to focus jail use and related taxpayer costs and collateral consequences on cases that involve a danger to the public. The bills address decision points throughout the justice system that contribute to Michigan's county jail populations, balancing the goals of protecting the public and safeguarding the rights of all people.

The Task Force found that Michigan's jail population had tripled in just 35 years, that most admissions were for misdemeanors and low-level offenses, and that changes to state law could safely reduce jail populations, protect and support crime victims, and prioritize law enforcement and judicial resources for immediate threats to public safety. The bills in this package:

► **Eliminate driver's license suspension as a penalty for offenses unrelated to dangerous driving.**

Driving with a suspended license was the third most common reason for jail admission in Michigan. Driver's licenses can be suspended for a wide variety of offenses, even violations unrelated to driving. In 2018, nearly 358,000 licenses were suspended for failure to appear in court or failure to pay court fines and fees. For many individuals, a suspended driver's license removes the only way they can get to work, pick up their kids, or run necessary errands.

► **Increase the use of arrest alternatives at the front end of the system.**

For some low-level violations, a police officer can issue a citation, directing someone to appear in court at a later date and allowing them to avoid arrest. But many misdemeanors are not eligible for citation. Since making an arrest can take an officer off the street for hours, officers need the discretion to issue citations for all misdemeanors, and some traffic misdemeanors should more properly be classified as civil infractions, making them ineligible for arrest.

► **Prioritize alternatives to jail when sentencing people for low-level offenses.**

While most people pass through jail quickly, those who stay longer than a month take up the majority of jail bed space and are often serving a criminal sentence. Unless necessary, low-level offenses should be sentenced to jail alternatives, and many mandatory minimum jail sentences should be eliminated.

► **Reduce jail admissions for people on probation and parole.**

Michigan has the sixth highest rate of people on community supervision in the country, leaving hundreds of thousands of people at risk of jail incarceration if they cannot keep up with the rules of their supervision. Probation and parole violations together are the fifth most common reason for jail admission and a quarter of people who violate supervision stay in jail longer than a month.



Jails Task Force bills introduced in the House on June 11:

- **HB 5846, Rep. Bronna Kahle** (R, District 57), **HB 5847, Rep. Luke Meerman** (R, District 88), **HB 5848, Rep. Donna Lasinski** (D, District 52), **HB 5849, Rep. Mike Mueller** (R, District 51), **HB 5850, Rep. Rebekah Warren** (D, District 55), **HB 5851, Rep. Tenisha Yancey** (D, District 1), and **HB 5852, Rep. Lori Stone** (D, District 28) eliminate license suspension for violations of the law unrelated to dangerous driving.
- **HB 5853, Rep. Bronna Kahle** reclassifies many traffic misdemeanors as civil infractions.
- **HB 5854, Rep. Tim Sneller** (D, District 50), **HB 5855, Rep. Tommy Brann** (R, District 77), **HB 5856, Rep. Steven Johnson** (R, District 72), **HB 5857, Rep. Jack O'Malley** (R, District 101), and **HB 5844 Rep. Joe Bellino** (R, District 17) eliminate mandatory minimum jail sentences in the Motor Vehicle Code, School Code, Natural Resources and Environmental Protection Act, Railroad Code, and Public Health Code.

Jails Task Force bills to be introduced in the Senate on July 23:

- **Bill draft 05647, Sen. Roger Victory** (R, District 30) expands law enforcement discretion to issue citations for most misdemeanors and presumes citation in lieu of arrest for the lowest-level misdemeanors.
- **Bill draft 05653, Sen. Jeff Irwin** (D, District 18) ensures summonses are used for most first-time failures to appear, allows defendants to resolve low-level warrants without being arrested.
- **Bill draft 05678, Sen. Sylvia Santana** (D, District 3) creates a presumption of a sentence other than jail for most misdemeanors and certain felonies.
- **Bill draft 05702, Sen. Stephanie Chang** (D, District 1) expands eligibility for deferred judgment of guilt to 24- and 25-year-olds under the Holmes Youthful Trainee Act.
- **Bill draft 05704, Sen. Michael MacDonald** (R, District 10) reduces probation terms, tailors probation conditions to address risks and needs, and caps jail sanctions for technical probation violations.
- **Bill draft 05708, Sen. Ed McBroom** (R, District 38) tailors parole conditions to address risks and needs.

The policy recommendations of the Jails Task Force and resulting bipartisan package of bills were informed by dozens of stakeholder interviews and roundtables, testimony from hundreds of people across the state, 10 years of statewide arrest and court data and 3 years of individual-level data from a large and diverse sample of county jails. The Task Force report can be found here: <https://courts.michigan.gov/News-Events/Pages/DataDrivenJusticeSolutions.aspx>.

Since the release of the Task Force report, COVID-19 has created increased urgency to reduce incarcerated populations. Jails have limited capacity to socially distance, and individuals detained or working in jails have a heightened risk of exposure to the novel coronavirus. Additionally, counties spend nearly \$500 million each year on operating their jails, some of which could be reallocated to support community-based treatment alternatives and other supports.