



**House
Legislative
Analysis
Section**

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SENTENCING: JAILS/PRISON

House Bill 4742

Sponsor: Rep. James McNutt

Committee: Judiciary and Civil Rights

Complete to 5-12-95

A SUMMARY OF HOUSE BILL 4742 AS INTRODUCED 4-25-95

The bill would amend the Code of Criminal Procedure to prevent persons convicted of certain felonies (generally, those with maximum sentences of 12 months or less) from being sent to state correctional facilities to serve their sentences. The Department of Corrections could determine whether a particular felon could be sent to a state correctional facility by checking his or her sentencing guidelines score. In cases where the felon's sentencing guidelines score correlated to a recommended minimum sentence with an upper limit of 12 months or less, the felon could not be sent to a state correctional facility. Where the individual was convicted of multiple offenses, the sentencing guidelines score for the felony with the longest maximum sentence would be used to make this determination. In cases where the individual was convicted as a repeat offender, the sentencing guidelines score for the underlying felony would be used.

The bill would also provide exceptions for certain felonies. Persons convicted of these crimes would be allowed to be incarcerated in a state correctional facility regardless of their sentencing guidelines scores. These exceptions would include:

- * Felonies committed by an individual while he or she was already incarcerated in a state correctional facility or while he or she was on parole.

- * Felonies which require consecutive sentences.

- * Felonies involving breaking out of or attempting to escape from prison.

- * Felonies involving use or carrying of a firearm during the attempt or commission of a felony.

The bill would take effect January 1, 1996 and would apply to all persons sentenced after that date.

MCL 769.29

House Bill 4742 (5-12-95)