

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 96 (Substitute S-1 as reported)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Mental Health Code to establish procedures for the civil commitment of a violent predator, after he or she had served a criminal sentence. The bill would:

- Require the Department of Corrections (DOC) to notify the Attorney General and each victim requesting notification when a violent offender who could be a "violent predator" was within six months of release from incarceration.
- Allow the Attorney General to file a petition alleging that the person was a violent predator, and require a trial to determine whether the person was a violent predator.
- Provide that a person determined to be a violent predator would have to be committed to the custody of the Department of Community Health.
- Establish provisions for the filing and review of a petition for discharge.

"Violent predator" would mean an individual who had been convicted of a "violent offense"; had committed two or more murders or voluntary manslaughters separate from and not arising out of the incident or incidents that were the basis for the violent offense, and suffered from a mental abnormality that made him or her likely to engage in future "predatory acts" of violence (acts directed toward an individual for the primary purpose of victimization). "Violent offense" would mean assault with intent to commit murder; attempted murder, solicitation to commit murder, first-, or second-degree murder; poisoning another person with an amount sufficient to cause death; or first-degree criminal sexual conduct.

Proposed MCL 330.1060-330.1071

Legislative Analyst: S. Lowe

FISCAL IMPACT

It is difficult to estimate exactly how many individuals would be declared "violent predators" under this bill. However, the average cost of treatment at the Center for Forensic Psychiatry is \$15,000 per person per year (Gross and GF/GP). Thus, for each person determined to be a violent predator, there would be a \$15,000 cost. The annual cost to the State, once the bill was fully in effect, would be \$15,000 multiplied by the number convicted per year multiplied by the average length of time held in the secure facility. Thus, if 10 people were determined to be violent predators and the average length of stay were 10 years, the eventual annual cost would be \$1,500,000 gross and GF/GP, as the eventual "caseload" at any one time would be 100. If the number held at any one time were significantly more than 100, it is likely that a new facility would have to be constructed. A typical 200-bed high security facility would cost approximately \$40 million in one-time capital outlay costs.

Other provisions of the bill also would impose costs, but these costs are insignificant compared with the cost of treatment in a secure facility. The bill would have no fiscal impact on local government.

Date Completed: 4-30-99

Fiscal Analyst: S. Angelotti

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Analysis available @ <http://www.michiganlegislature.org>

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