

Legislative Analysis



HYTA: ELIMINATE SENTENCING TO PRISON

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House Bill 5582

Sponsor: Rep. Joe Haveman

Committee: Criminal Justice

Complete to 11-11-14

A REVISED SUMMARY OF HOUSE BILL 5582 AS INTRODUCED 5-15-14

Under the Holmes Youthful Trainee Act, within the Code of Criminal Procedure, a youth at least 17 but no more than 20 years of age may, upon a guilty plea for certain offenses, be assigned youthful trainee status. Upon successful completion of trainee status, there is no criminal record.

Under the act, if the underlying charge is an offense punishable by imprisonment for a maximum term of more than one year, the court is required to do one of the following:

- a) Send the trainee to prison for not more than three years;
- b) Place the trainee on probation for not more than three years subject to probation conditions as provided in Section 3 of Chapter XI of the Code; **or**,
- c) Commit the trainee to the county jail for not more than one year.

House Bill 5582 would amend the Holmes Youthful Trainee Act (HYTA), MCL 762.13, to eliminate the first option cited above ["a")"] and require the court to instead place the trainee on probation or commit the trainee to the county jail for not more than one year.

Further, the bill would delete an obsolete provision requiring the Department of Corrections, a sheriff, or the trainee's probation office to register, or accept a registration of, a trainee whose offense is a listed offense requiring registration as a sex offender. A person sentenced under HYTA after October 1, 2004, no longer has to register as a sex offender unless the person loses trainee status under HYTA.

FISCAL IMPACT:

Under the bill, there would be an indeterminate amount of savings to the state's correctional system. The amount of savings would depend on the number of offenders actually committed to county jail that would have otherwise been committed to prison for not more than three years. The average cost of prison incarceration in a state facility is roughly \$35,600 per prisoner per year, a figure that includes various fixed administrative and operational costs. Also, there could be additional costs for county jails depending on the increased number of offenders committed to jail instead of to prison. The costs of local incarceration in a county jail vary by jurisdiction.

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