

September 6, 1995

Senator Dick Posthumus  
Senate Majority Leader  
State Capitol, Room 106  
Lansing, Michigan 48909

Representative Paul Hillegonds  
Speaker of the House  
Olds Plaza Building, Room 515  
Lansing, Michigan 48909

Dear Messrs. Posthumus and Hillegonds:

Early in 1995, I recommended the construction of 5,500 new prison beds at a cost of \$205 million. As you are aware, the legislature approved only a portion of my recommendation and indicated a desire to find statutory solutions to the ever increasing prison needs of the state rather than fund the remaining 3,000 beds. At the time my proposal was submitted, and ever since, this Administration has repeatedly indicated there are really no alternatives to constructing these 3,000 beds. Whatever other "solutions" the legislature may devise will have no impact on the need to have these beds on line and operational later next year. Considering even an expedited construction schedule, if the legislature appropriated the funds today, it is unlikely construction could be completed by the time the beds would be necessary. I implore the legislature to take immediate action on these remaining beds in the fall session.

Simultaneously, I recommend the legislature consider statutory changes that will reduce the likelihood of having to construct additional prisons beyond what I have already recommended. Department of Corrections projections indicate that if no changes in law or sentencing practices occur, the state will require, at a minimum, an additional 12,000 prison beds to be constructed by the year 2001. Director Ken McGinnis recently forwarded a report to legislative leadership explaining the projected bed needs and why it is necessary. Special legislative committees, subcommittees and task forces have been exploring a variety of options to address this problem. Again, immediate legislative action is critical.

In conjunction with my request for expansion of prison capacity, I recommend the legislature give immediate consideration to the following statutory changes:



- ▶ Prisoner "Boot Camp" - At a minimum, the eligibility criteria should be revised to 3 years from earliest parole eligibility date instead of the current 3 years or less minimum sentence, with the exception of Breaking & Entering (Home Invasion) which should remain at 2 years or less minimum sentence; a non-violent habitual offender should not be automatically excluded if this was the first prison term; and delete the restriction requiring drug offenders to serve their statutory minimum before being considered for placement in the program. The estimated bed savings of this proposal is approximately 70 beds annually.
- ▶ Parole Violations (Young case) - As a result of the Young decision, a parolee convicted of a new crime must serve the remainder of their maximum sentence before service of their new prison sentence begins. Instead, they should be required to serve 1 year or the remainder of the parole period, whichever is greater. This change should have retroactive application. Using the impact of the Young decision as the base, the estimated bed savings of this proposal is over 2500 by the year 2001.
- ▶ Mandatory Drug Law - The 1 year mandatory minimum for lower level amounts of drugs should be repealed. A prison sentence could remain an option but it would not be mandatory. As a consequence, a bed savings can not be estimated since it would be impossible to predict the number of prison dispositions.
- ▶ Mandatory Local Punishment - Rather than allowing a prison sentence, locally imposed punishment should be mandatory for certain non-violent offenses, including Retail Fraud, Uttering & Publishing, and OUIL - 3rd, unless serious injury or death occurred. A locally imposed punishment could include being sentenced to a locally operated jail work camp where offenders perform public service during the day and receive programming, such as drug treatment, during the evening. State support for local programs to punish these offenders will be available through the Office of Community Corrections, Jail Reimbursement, and other fiscal incentive programs. The estimated bed savings of this proposal is approximately 450.

Tentative projections indicate that these recommended statutory changes could result in a total savings of over 3000 beds, however the savings will not begin to be realized until after 1997.

In summary, I again urge support for the remaining 3,000 prison beds of my prison construction recommendation and the statutory changes described above.

Thank you.

Sincerely,

John M. Engler  
Governor