

# Michigan Jails Task Force 2020 Legislative Package

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On January 4, 2021, Governor Whitmer signed into law a bipartisan package of bills based on recommendations from the Michigan Joint Task Force on Jail and Pretrial Incarceration, a group of criminal justice experts and key stakeholders that conducted a year-long study of Michigan's jails and engaged input from the public in a series of meetings statewide. The 20 bills were carried by a diverse group of Republican and Democratic state senators and representatives and passed with overwhelming support. Together the new laws reshape penalties for traffic offenses, prioritize alternatives to jail and arrest, and align community supervision policies with research.

## Bill Sponsors:

*Rep. Bronna Kahle (R, District 57)*  
*Rep. Luke Meerman (R, District 88)*  
*Rep. Mike Mueller (R, District 51)*  
*Rep. Rebekah Warren (D, District 55)*  
*Rep. Tenisha Yancey (D, District 1)*  
*Rep. Lori Stone (D, District 28)*  
*Rep. Cynthia Neeley (D, District 34)*  
*Rep. Beau LaFave (R, District 108)*  
*Rep. Tim Sneller (D, District 50)*  
*Rep. Tommy Brann (R, District 77)*  
*Rep. Steven Johnson (R, District 72)*  
*Rep. Jack O'Malley (R, District 101)*  
*Sen. Roger Victory (R, District 30)*  
*Sen. Jeff Irwin (D, District 18)*  
*Sen. Sylvia Santana (D, District 3)*  
*Sen. Stephanie Chang (D, District 1)*  
*Sen. Michael MacDonald (R, District 10)*  
*Sen. Ed McBroom (R, District 38)*

## Reserve license suspensions for unsafe drivers

In 2018, Michigan suspended nearly 358,000 driver's licenses for failure to appear in court or failure to pay court fines and fees, and thousands more for other violations unrelated to driving safety. For many of these violations, license suspensions occur on top of other sanctions. In a state where driving is essential to get to work, using license suspension as a punishment can limit economic stability. Many people have no choice but to drive to maintain their livelihoods, and thousands land in jail for driving on a suspended license. These new laws eliminate most license suspensions *except* those related to unsafe driving, such as operating while intoxicated, reckless driving, causing injury or death with a motor vehicle, or using a motor vehicle in commission of a serious offense. **PA 376, PA 377, PA 378, PA 379, PA 380, PA 381, PA 387, and HCR 29.**

## Decriminalize low-level traffic misdemeanors

Nearly half of cases filed in district court in Michigan each year are traffic misdemeanors. Many of these offenses do not seriously impact public safety, but they waste law enforcement time, clog Michigan's criminal courts, require valuable prosecution resources, and can land people in jail who are trying to get to work or take their kids to school. The new law reclassifies nine misdemeanors as civil infractions, including motor vehicle noise violations, depositing snow on roadway violations, driver education and limousine violations, and flashing light violations. **PA 382.**

## Eliminate mandatory minimum jail sentences

Around 50 of Michigan's nearly 2,000 misdemeanors require a minimum jail sentence, many of which do not correspond to the seriousness of the offense. Mandatory jail sentences tie judges' hands and use up valuable public safety resources. The new laws eliminate 22 mandatory jail minimums. **PA 383, PA 384, PA 385, PA 386, and PA 375.**

*For more information on the Michigan Joint Task Force on Jail and Pretrial Incarceration, please visit [www.courts.mi.gov/micjreform](http://www.courts.mi.gov/micjreform).*

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## Increase the use of arrest alternatives

Using arrest as the response to all low-level criminal behavior wastes limited law enforcement resources. An arrest and jail booking can remove an officer from the community for hours at a time, often with no public safety benefit. The new laws give officers more discretion to issue citations instead of making an arrest and reduce unnecessary warrants.

### **PA 393 and PA 394:**

- Expand law enforcement discretion to use citations for most misdemeanors,
- Ensure warrants are not the immediate response at case initiation or upon failure to appear in court,
- Allow defendants to resolve low-level warrants without being arrested, and
- Require timely pickup on out-of-county warrants.

## Prioritize alternatives to jail sentences

While most people pass through jail quickly, those who stay longer than one month take up the majority of jail bed space and are often serving a criminal sentence. Despite misdemeanors being the least serious offenses in Michigan’s criminal code, more than half of people convicted of misdemeanors are sentenced to jail, probation, or a combination of both. The new laws prioritize alternatives to jail when sentencing for low-level offenses.

### **PA 395 and PA 396:**

- Create the presumption of a non-jail, non-probation sentence for most misdemeanors,
- Create the presumption of a non-jail sentence for the least serious felonies, and
- Expand eligibility for deferred judgement of guilt under HYTA to 24- and 25-year-olds.

## Reduce jail admissions for people on supervision

Nearly 200,000 people are on probation or parole in Michigan – the sixth highest rate in the country – and are at risk of jail incarceration if they cannot keep up with the rules of their supervision. The new laws align community supervision terms, conditions, and jail sanctions with research and tailor them to individuals.

### **PA 397 and PA 398:**

- Reduce the maximum probation term for most felonies from five to three years,
- Establish criteria for presumed earned early discharge from probation,
- Limit jail time and arrest warrants for technical probation violations, and
- Require that probation and parole conditions are tailored to individual needs.

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### **Supportive and Unopposed Stakeholders:**

*Prosecuting Attorneys Association of Michigan, Michigan District Court Judges Association, Michigan Sheriffs’ Association, Fraternal Order of Police, Michigan State Police, Michigan Department of Transportation, Secretary of State, Michigan Association of Counties, Michigan Coalition to End Domestic and Sexual Violence, American Bail Coalition, Oakland Co. Pretrial Services, Americans For Prosperity, Michigan Catholic Conference, American Conservative Union, R Street Institute, Americans for Tax Reform, Prison Fellowship, Grand Rapids Area Chamber of Commerce, Safe and Just Michigan, American Civil Liberties Union of Michigan, Detroit Justice Center, and Michigan Indigent Defense Commission.*