



Report on Public Policy Position

Name of Section:

Prisons and Corrections

Contact Person:

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Phone:

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Bill Number:

HB 5170

Date position was adopted:

February 7, 2004

Process used to take the ideological position:

The Prison and Corrections Section has an attorney membership of about 145 and the Section's governing Council is empowered by the Section's bylaws to take public policy positions. This policy position was adopted, after due notice, at a February 7, 2004 meeting of the Section's Council at which time nine (9) Council members were present. The vote was 9 Yes, 0 No.

Number of members in the decision-making body:

14 voting members, including 3 non-attorney criminal justice practitioners

Number who voted in favor and opposed to the position:

At the time of the February 7, 2004 meeting of the Section's Council, nine (9) voting Council members were present. The vote was 9 Yes, 0 No.

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

Statement of Opposition to House Bill 5170 and House Bill 5199

Prison and Corrections Section of the State Bar of Michigan

Disclosure pursuant to State Bar bylaws and Michigan Supreme Court Administrative Order 2004-1: The Prison and Corrections Section is a voluntary section of the State Bar, not the State Bar itself. The position expressed here is that of the Section's governing body. The State Bar has no current position on HB 5170 and HB 5199. The Prison and Corrections Section has an attorney membership of about 145 and the Section's governing Council is empowered by the Section's bylaws to take public policy positions. This policy position was adopted, after due notice, at a February 7, 2004 meeting of the Section's Council at which time nine (9) Council members were present. The vote was 9 Yes, 0 No.

The Section is opposed to HB 5170 and HB 5199 because the Bills create mandatory sentencing and bail schemes and, thus, unduly and severely restricts the discretion of the judge, prosecutor, and defense attorney. The blanket treatment of all offenders who may have different situations is bad public policy. The Section is supportive of the current criminal justice system, where the advocates fulfill their constitutional obligations and judges exercise discretion so that the sentence or bail is fair and appropriate to the circumstances of the individual offender, and proportionate to the offense.

The Section is further opposed to the House Bills because the legislation would act to further exacerbate the twin problems of crowded prisons and jails and the financial crisis caused by an expanding prison and jail population.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.michiganlegislature.org/mileg.asp?page=getObject&objName=2003-HB-5170>