



MICHIGAN COURTS NEWS RELEASE

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Jail Reforms Pass with Overwhelming Support

In final days of session, lawmakers prioritized bills to reshape Michigan's justice system

LANSING, MI, December 21, 2020 – During the final week of session, the legislature sent a bipartisan package of bills to Governor Whitmer that will fundamentally reshape how the state utilizes county jails. The 20 bills, carried by a diverse group of Republican and Democratic state senators and representatives and passed with overwhelming support, are based on policy recommendations from the Michigan Joint Task Force on Jail and Pretrial Incarceration, a group of criminal justice experts and key stakeholders that was led by Lt. Governor Garlin Gilchrist II and Chief Justice Bridget Mary McCormack, which conducted a year-long study of Michigan's jails and engaged input from the public in a series of meetings statewide.

The Task Force found that low-level infractions, like driving on a suspended license, violations of probation, and other misdemeanors, were exhausting public safety resources and impacting hundreds of thousands of Michiganders each year without producing safer communities. Jail populations had tripled in less than 40 years, growing particularly fast in rural communities, and Michigan law provided little to no guidance on when jail alternatives should be the preferred or presumed intervention. The 20 bills passed by the legislature form a complementary approach that aims to shift individuals away from jail unless they pose a threat to public safety. Throughout the last year, the bills were vetted by lawmakers and refined with extensive input from prosecutors, judges, sheriffs, crime victims, reform advocates, and members of the public.

"The public's trust in the justice system comes from fair process and fair outcomes," said **Supreme Court Chief Justice Bridget McCormack**. "These changes will build public trust because they reflect fair process and will produce fairer outcomes and because the public was directly involved in getting here. In addition to collecting and understanding data, our work included listening to people most impacted by our criminal legal system: those charged with enforcing it but also those who have been through it and paid the consequences. By hearing from so many we developed a broader vision of a justice system focused on accountability and repair that works for everyone."

"I'm extraordinarily proud of our collective work over the last two years to understand and improve the criminal justice system," said **Lt. Governor Garlin Gilchrist II**. "Before Governor Whitmer and I took office, the system didn't work for families, communities—especially communities of color—or our state as a whole. That is why we made a conscious effort to make our state a national leader in reform, and the results speak for themselves. Next year, we must

continue to work together to find ways to provide second chances through a smarter justice system that positions people for more successful futures.”

“Working together on this important topic is a perfect example of putting people before politics,” said **Speaker of the House Lee Chatfield**. “We all want a stronger, safer, and more free country. That requires smart reforms like these to hold people accountable without setting them up to fail.”

The Task Force started working in July 2019 on measures the state of Michigan could take to safely reduce jail populations and expand alternatives to incarceration. Their recommendations and the resulting bipartisan package of bills were informed by dozens of stakeholder interviews and roundtables, testimony from hundreds of people across the state, 10 years of statewide arrest and court data and three years of individual-level data from a large and diverse sample of county jails.

“This is not reactionary policy – it’s thoughtful and purposeful,” said **Senate Majority Leader Mike Shirkey**, who joined with other leaders in creating the Task Force in 2019. “These bills are rooted in data, informed by research, and built on the consensus and compromise of a diverse group of stakeholders.”

Together the bills seek to expand the use of jail alternatives and reserve jail for public safety risks. The bills eliminate driver’s license suspensions and criminal penalties for some traffic offenses; expand officer discretion to use appearance tickets instead of custodial arrests; use probation, fines, and community service as sentences for low-level crimes; and limit jail time for those who violate the rules of supervision. The bills include:

- **HB 5846, Rep. Bronna Kahle** (R, District 57), **HB 5847, Rep. Luke Meerman** (R, District 88), **HB 5849, Rep. Mike Mueller** (R, District 51), **HB 5850, Rep. Rebekah Warren** (D, District 55), **HB 5851, Rep. Tenisha Yancey** (D, District 1), **HB 5852, Rep. Lori Stone** (D, District 28), **HB 6235, Rep. Cynthia Neeley** (D, District 34), and **HCR 29, Rep. Beau LaFave** (R, District 108) eliminate license suspension for violations of the law unrelated to dangerous driving.
- **HB 5853, Rep. Bronna Kahle** (R, District 57) reclassifies many traffic misdemeanors as civil infractions.
- **HB 5854, Rep. Tim Sneller** (D, District 50), **HB 5855, Rep. Tommy Brann** (R, District 77), **HB 5856, Rep. Steven Johnson** (R, District 72), **HB 5857, Rep. Jack O’Malley** (R, District 101), and **HB 5844 Rep. Joe Bellino** (R, District 17) eliminate mandatory minimum jail sentences in the Motor Vehicle Code, School Code, Natural Resources and Environmental Protection Act, Railroad Code, and Public Health Code.
- **SB 1046, Sen. Roger Victory** (R, District 30) expands law enforcement discretion to issue citations for most misdemeanors and presumes citation in lieu of arrest in many cases.
- **SB 1047, Sen. Jeff Irwin** (D, District 18) ensures summonses are used for most first-time failures to appear and allows defendants to resolve low-level warrants without being arrested.

- **SB 1048, Sen. Sylvia Santana** (D, District 3) creates a presumption of a sentence other than jail for most misdemeanors and certain felonies.
- **SB 1049, Sen. Stephanie Chang** (D, District 1) expands eligibility for deferred judgment of guilt to 24- and 25-year-olds under the Holmes Youthful Trainee Act.
- **SB 1050, Sen. Michael MacDonald** (R, District 10) reduces probation terms, tailors probation conditions to address risks and needs, and caps jail sanctions for technical probation violations.
- **SB 1051, Sen. Ed McBroom** (R, District 38) tailors parole conditions to address risks and needs.

Additional recommendations stemming from the Task Force report will be taken up for consideration in the next legislative session, potentially including bills related to pretrial release and behavioral health diversion from jails. The Task Force report can be found [here](#).

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