

## **THE “GOOD TIME” BILLS (HB 5665, 5666 AND 5667)**

### ***Citizens Alliance On Prisons And Public Spending May 2018***

In February, Representatives Martin Howrylak (R- District 41) and David LaGrand, (D- District 75) introduced House Bills 5665, 5666, and 5667, which seek to restore “good time” credits in Michigan’s prison system.

#### **1. Why doesn’t Michigan have “good time”?**

Michigan had “good time” until 1978. “Good time” increased the longer a person served. After two decades, “regular ‘good time’” could equal 15 days a month. In addition, a person could earn “special ‘good time’” that provided amounts up to half the “regular ‘good time’” amount. The “good time” system was abolished by a ballot initiative in 1978 (Proposal B). The proponents of the ballot initiative argued that the “good time” system deceived the public about the length of time a prisoner would actually serve and that this undermined the public’s trust in the justice system.

By 1982, in a response to increased prison crowding, the legislature introduced a system of “disciplinary credits.” Like “good time,” this system awarded credits that reduced an incarcerated person’s minimum sentence for every month they served without being cited for misconduct. However, the amount of credit did not increase over time and was limited to five days of regular and two days of special disciplinary credit days per month (up to 84 days a year). The disciplinary credits system was eliminated by the “Truth in Sentencing” legislation in 1998. Truth in Sentencing requires every prisoner to serve every day of their minimum sentence in a secure facility.

#### **2. How can Michigan’s “good time” system be restored?**

“Good time” was eliminated through a ballot initiative, which amended the Michigan Constitution. It can only be restored by a 3/4 majority vote in both the House and the Senate (see Article II, Section 9 of the Michigan Constitution). It is important to understand that this margin is extremely difficult to achieve and rarely happens in controversial legislation.

#### **3. What is the current status of HB 5665, 5666, and 5667, which propose to restore the “good time” system?**

The bills were introduced on February 28, 2018, and were referred to the House Law and Justice Committee. They have not been scheduled for further action by the Committee chair, Representative Klint Kesto (R – District 39).

#### **4. Are HB 5665, 5666, and 5667 likely to pass during the 2017-18 legislative session?**

Unfortunately, no. The reasons include: 1) Reasons include (1) the bills do not have the support of House or Senate leadership; (2) reforms related to minimum sentences are strongly opposed by law enforcement, including the Prosecuting Attorneys Association of Michigan; and (3) at this point in the legislative process, the Law and Justice Committee calendar is quite full. If the bills are brought up before Committee it is unlikely the bills could make it through both House and Senate before the end of December 31, the end of this session.

5. Are there forms of sentencing credits that can be awarded without a constitutional change?

Yes. The ballot initiative in 1978 eliminated “good time” but other forms of sentencing credits can be introduced by a statute passed by a simple majority vote in both the House and Senate without a constitutional change. One option could be to restore the disciplinary credits system that were eliminated by the “Truth in Sentencing” law in 1998. Another could be to introduce a system of “earned credits” tied to completion of educational and vocational programs.