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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: May 5, 2023

RE: **RESOLUTION SUPPORTING GOOD TIME CREDIT HB 4470**

Council member Latisha Johnson requested that the Legislative Policy Division (LPD) draft a RESOLUTION SUPPORTING GOOD TIME CREDIT HB 4470.

Please contact us if we can be of any further assistance.

RESOLUTION SUPPORTING GOOD TIME CREDIT HB 4470

WHEREAS, The mission of the Detroit City Council is to promote the economic, cultural and physical welfare of Detroit’s citizens through Charter-mandated legislative functions; and

WHEREAS, The pervasiveness of racial disparity in the criminal justice system in the U.S. has been longstanding. The racial dynamics in sentencing has changed over time and reflects a move from explicit racism to more surreptitious manifestations and outcomes; and

WHEREAS, An independent study by The Open Society Foundations of the criminal justice system in the US, revealed several key findings that were surprising to some, but unfortunately for many families in Detroit and other minority communities, a confirmed truth. The study confirmed that there is evidence of direct racial discrimination against minority defendants in sentencing outcomes; and

WHEREAS, The Open Society Foundations’ study included the following findings:

- At the state level, both Latinos and Blacks are far more likely to be disadvantaged in the decision to incarcerate or not, as opposed to the decision regarding sentence length.
- Young Black and Latino males tend to be sentenced more severely than comparably situated White males.
- Unemployed Black males tend to be sentenced more severely than comparably situated White males.
- Blacks pay a higher "trial penalty" than comparably situated Whites.
- Whites are more likely to hire a private attorney than Latinos or Blacks, and therefore receive a less severe sentence; and

WHEREAS, Despite these inherent disparities, in 1998, Michigan’s Truth in Sentencing law was established and eliminated good time credits, which are incentives for good behavior. As long as someone maintains good behavior in prison, good time credits reduce the actual amount of time that a person will remain in custody. The 1998 law requires incarcerated people to serve their entire minimum sentence before they can be considered for parole; and

WHEREAS, According to the Liberty and Justice For All Coalition, 16 states enacted the truth-in-sentencing guidelines from 1994 to 1998 to receive incentives from the federal government. Those incentives ended in 2000. Several of the initial states now have less-restrictive sentencing guidelines, Michigan should as well; and

WHEREAS, On April 23, 2023, Michigan State Representative Amos O’Neal, joined by Reps. Hoskins, Hood, Wilson, Wegela, Brabec, Byrnes, Dievendorf, Rheingans, Edwards, Brenda Carter, Glanville, Tyrone Carter, Liberati, Andrews, Young, Neeley, MacDonell, Price, Hill, McKinney, Thompson, Brixie, Rogers, VanderWall and Aiyash, co-sponsored House Bill (HB) 4470, the “Good Time Credit Bill," if approved, House Bill 4470 would re-establish good time credits. HB 4470 amends sec. 33 of 1893 PA 118 (MCL 800.33) & repeals sections 34 & 35 of 1893 PA 118 (MCL 800.34 & 800.35), thereby granting eligible prisoners good time credit for that month equal to the number of days in that month; and

WHEREAS, HB 4470 is also tie-barred with HB 4468, which amends PA 232 of 1953, entitled "Corrections Code of 1953." HB 4468 by amending the code, if passed, it would establish that the state's Department of Corrections may establish a youth correctional facility which must house only prisoners committed to the jurisdiction of the department who are 19 years of age or less; and

WHEREAS, Additionally, HB 4468 proposes that if the Department of Corrections establishes or contracts with a private vendor for the operation of a youth correctional facility, the department shall house all male prisoners who are 16 years of age or less at the youth correctional facility, unless the department determines that the prisoner should be housed at a different facility for reasons of security, safety, or because of the prisoner's specialized physical or mental health care needs. This would provide a more secure environment for offenders of minor age from the predatory adult prison population; and

WHEREAS, Michigan's high prison population has been directly affected by Michigan's onerous Truth in Sentencing law. Michigan's consistent prison population growth has subsequently resulted into prison overcrowding, a reported increase of crime within the prison walls, and escalating state government expenditures on the building and maintenance of prisons, so, the passing of the Good Time Credit Bill can relieve this problem, restore a degree of fairness to the prison system, and help the reformed to return to productive lives in their respective communities; **NOW THEREFORE BE IT**

RESOLVED, That the Detroit City Council is hereby calling for the Michigan legislature to approve House Bill 4470 and its accompanying tie-barred legislation, HB 4468; **THEREFORE, BE IT FURTHER**

RESOLVED, That copies of this resolution be forwarded to the City of Detroit's Lansing Lobbyist, the Detroit delegation in the State Senate and State House, State House Committee on Criminal Justice, Mayor Mike Duggan and Governor Gretchen Whitmer.