

The Good Time Bill Myth: Good Time Credits, Proposal B, Disciplinary Credits, and Truth- In-Sentencing in Michigan Prisons

Rand W. Gould

Ever since Michigan prisoners finally figured out that Truth-In-Sentencing (TIS) was not so truthful and, in reality, was enacted as “disciplinary time” which meant those sentenced for crimes committed after December 15, 1998 would serve their entire minimum before becoming eligible for a shot at parole, rumors have circulated among them that a new “good time” law was going to be passed by the state legislatures. It never happened. The good time bill passing is a myth. Get over it!

Y'all ain't gettin' no good time no time soon and here's why: Proposal B, which is what is known as a citizen initiated law or ballot proposal, was passed by a majority vote of Michigan citizens way back in 1978 to eliminate good time for a whole laundry list of crimes. See Pub. Act, 1953, No. 232, Ch. III, §33b, as added by Initiated Law, Proposal B, eff. Dec. 12, 1978; as currently encoded in MCL 791.233b; and MCL 800.33; see also MCL 800.34; and MCL 800.35. The problem with passed ballot proposals, like Proposal B, is they can only be repealed by a three-fourths majority vote in both the state House and Senate. See Mich. Const. 1963, art. 2, §9, ¶5.

Both good time bills currently pending in the Michigan legislature – HB 5666 and SB 1143, in the House and Senate, respectively – went straight to committee and still sit there. Both would, if passed, restore good time credits to most prisoners by repealing and rewriting previous law regarding good time credits, Proposal B, disciplinary credits, and “disciplinary time” (“TIS”). Both, on the surface, seem to be good bills. However, both bite off way more than they can chew and, as written, require a three-fourths majority vote in the House and Senate to pass. Something virtually impossible to achieve given the legislature's current membership. One can only wonder why state legislators even bothered to introduce these dead-on-

arrival-because-of-Proposal-B bills. A good subject, in and of itself, for a writer with a far greater research capability than this one.

If Michigan state legislatures really want to pass a bill that effectively reduces the current population inside jam-packed state prisons (“TIS”), they should introduce a bill, or bills, that simply repeals disciplinary time, as enacted back in 1998. See 1998 MI PA 316, eff. Dec. 15, 1998. This could be done with a simple majority vote in the House and Senate, and would allow all Michigan prisoners, not subject to enhanced, flat-time sentences, to earn five (5) days disciplinary credits per month, along with the possibility of earning two (2) special disciplinary credits per month. Moreover, prisoners whose crimes are not listed as Proposal B crimes would be able to accrue good time credits as well. All of which would go a long way in reducing Michigan’s exorbitantly expensive, overcrowded, execrable, and inhumane prison system.

Rand W. Gould C-187131
Harrison Correctional Facility
2727 E. Beecher Rd.
Adrian, MI 49221
www.freerandgould.com

23 May 2019
revised 12 June 2019