



The “Good Time” Bills (HB 5665, 5666 and 5667)

In legislative session 2017-18 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. These bills have generated a lot of questions, and this fact sheet is designed to answer some of the most frequently asked.

1. What is “good time”?

“Good time” is a system that rewards incarcerated people for good behavior. This is in the form of a reduction in their minimum sentence for every month served without being cited for misconduct.

2. 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. This requires every prisoner to serve every day of their minimum sentence in a secure facility.

3. 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 three-quarters 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.

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

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

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

No. This is the case for several reasons: (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 association of prosecuting attorneys; and (3) at this point in the legislative process, the Law & Justice Committee calendar is quite full, and even 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 the 2017-18 session.

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

Yes. The ballot initiative in 1978 eliminated “good time” but other forms of sentencing credits can be introduced by 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.