



MI Felony Firearm Law Drives Prison Population and Racial Disparities

Safe & Just Michigan Report encourages passage of HBs 5993-5994

LANSING — Michigan's felony firearm law, a holdover from the era of tough-on-crime laws that carried mandatory sentences, is being disproportionately applied to Black men, and being unevenly used by prosecutors across the state, according to new research from Lansing based criminal justice reform organization Safe & Just Michigan. The report, "The Problems of Mandatory Sentencing: The troubling legacy of Michigan's felony firearm law," was released Thursday and supports the passage of House Bills 5993-5994, which would end the mandatory two-year sentence for a first offense felony firearm conviction, and urges further action to roll back mandatory sentencing.

"When this mandatory sentence was adopted, we knew it would result in thousands of people being incarcerated," said Safe & Just Michigan Research Specialist Dr. Anne Mahar, who co-authored the report with SJM Executive Director John S. Cooper. "It has been more than 40 years, and the popularity of mandatory sentences has passed. Mandatory sentencing does not work, many mandatory sentences in Michigan have already been repealed. It is time to give judges the discretion to impose appropriate sentences."

Key findings from the report include:

- Black people comprise about 14 percent of Michigan's population, but represent 82 percent of all people incarcerated on a felony firearm sentence as of 2018, the last year for which statistics were available from the Michigan Department of Corrections.
- Courts in Wayne County convicted and sentenced 53.1 percent of all the people incarcerated on a felony firearm offense, though Wayne County accounts for about 17.5 percent of the state's population.
- There were 390 people incarcerated for only a felony firearm conviction in Michigan in October 2018.

- More than three-quarters of respondents in a Safe & Just Michigan survey in early 2020 said they support the repeal of mandatory sentencing, and that support is consistent across the political spectrum
- According to legislative analysis conducted in 2015, Michigan taxpayers stand to save as much as \$33 million annually if even half as many people as possible were spared incarceration by the passage of HBs 5993-5994.

“The felony firearm law has cost Michigan taxpayers hundreds of millions of dollars since it was enacted over 40 years ago, with no discernable return on that investment from a public safety standpoint. It’s time for Michigan to cut its losses and move on,” Cooper said.

However, the report authors cautioned, the passage of 5993-5994 won’t be enough to end the problem of mandatory sentencing, as far as the felony firearm law is concerned. Those bills only involve the first conviction for felony firearm offense, not subsequent convictions, which carry five- or ten-year mandatory sentences. If judges were allowed to use their discretion to set sentences, the potential savings to taxpayers — and the reduction to sentencing disparities — could be greater still.

“Mandatory sentencing is not good policy. It takes sentencing decisions out of the hands of judges — thereby depriving them of the ability to impose a sentence that is fair and proportionate based on the facts of the case — and puts this power in the hands of prosecutors,” Cooper said. “The outcomes detailed in this report starkly illustrate the consequences of this choice. Judicial oversight of felony firearm charges is desperately needed.”

To read the entire report, please go to https://www.safeandjustmi.org/wp-content/uploads/2020/10/The_Problems_of_Mandatory_Sentencing.pdf

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Safe & Just Michigan (www.safeandjustmi.org) works to advance policies that end Michigan’s over-use of incarceration and promote community safety and healing. We partner with Michigan organizations and leaders from across the political spectrum, including business and community leaders, faith communities, crime survivor organizations, formerly incarcerated individuals, prisoners and their families, as well as Michigan taxpayers statewide.