

Staying Too Long: Michigan's Stalled Sentencing Reform

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Executive Summary

Michigan's sentencing structure remains among the most restrictive in the nation. While many states have adopted policies that allow earned-time credits and provide opportunities for early release or resentencing, Michigan requires individuals to serve 100 percent of their minimum sentence before parole eligibility. While recent reforms, such as record clearing, medical parole, and limits to pretrial detention, have advanced progress to the state's system, they do not target the key challenge of long lengths of stay.

Today, more than 65 percent of the state's prison population is serving a sentence of ten years or more, with limited opportunity for review or reduction. As the prison population rises for the first time in a decade, coupled with the state's mounting budget pressures, a comprehensive examination of the state's length of stay challenges is necessary.

This goal of this brief is to serve as a baseline to begin that deeper examination. The Crime and Justice Institute, supported by Arnold Ventures, analyzed Michigan's publicly available prison population data to understand the key trends regarding length of stay.

Key findings include:

Population growth: The prison population is growing after decades of decline, up 3% since 2021, with more individuals receiving additional sentences while already incarcerated.

Sentences are getting longer: Average minimum terms rose 30% in the past decade, from 9.3 years (2014) to 12 years (2023).

Drug offenses saw sharpest increases: Average minimum terms for drug offenses grew 33% over the past decade.

Sentencing practices exceeding statutory maximums: Data show minimum terms beyond statutory maximums for top offenses indicating the impacts of habitual offender enhancements, consecutive sentences, and additional sentencing stacking.

With the urgency of a now rising population, the reinstated Sentencing Commission provides a renewed opportunity for the state to review sentencing practices. As Michigan prepares for leadership changes in 2026, the state has an opportunity to tackle its most pressing criminal justice challenge.

To advance reform, Michigan must:

Leverage the Sentencing Commission to produce data-driven recommendations and introduce corresponding legislation.

Use corrections data to identify policies contributing to long stays, especially those related to enhancements, habitual offenders, and additional sentences imposed on already incarcerated individuals.

Analyze the fiscal impact of long sentences considering recent budget volatility and an aging prison population.

Reintroduce policies to reduce length of stay early in the 2026 session, backed by fiscal and public safety data.

Michigan's Sentencing Structure: Rigid and Due for Review

Defined by advisory guidelines, mandatory minimums, and the lack of earned-time credits, Michigan's sentencing structure is one of the most static in the nation, creating a system where sentence length directly dictates time-served. Consecutive sentences or enhancements further extend incarceration periods, leading to individuals serving longer than their maximum sentence.

Michigan has an indeterminate sentencing system for *most* felony offenses, meaning both a minimum and maximum term is imposed at the time of sentencing.¹ Maximum terms are set by statute, and minimum terms are determined using the Michigan Sentencing Guidelines,² first established in 1998 by the former Michigan Sentencing Commission.³ Alongside these guidelines, lawmakers eliminated earned time credits and required individuals to serve 100 percent of their minimum sentence before becoming eligible for parole.⁴

In 2015, the Michigan Supreme Court ruled in *People v. Lockridge*⁵ that mandatory application of the guidelines was unconstitutional, rendering them advisory. Yet critics argue that even in their advisory form, the guidelines function as the sentencing default instead of ensuring fairness as originally intended.⁶ The reinstatement of the Sentencing Commission through House Bills 4173⁷ and 4384⁸ positions the state to realign its sentencing practices with their original goals of fairness and public safety.





Recent Reforms Demonstrate Michigan's Capacity for Change

Michigan has made meaningful progress toward a more fair, effective, and evidence-based justice system. Over the past several years, reform efforts across pretrial practices, length of stay, and long-term incarceration have created the foundation for deeper, lasting change. Recent legislative amendments show growing feasibility for the next generation of reforms. Together, these developments position the state for the work of the 2025 Sentencing Commission and beyond.

Michigan's Reform Momentum



The Sentencing Commission: Michigan's Path Forward

The 2025 Sentencing Commission builds on these reforms and provides the state a way to improve sentencing statewide.

Key Functions:

- Review statewide policies and gather data
- Analyze guideline effectiveness
- Issue annual reports to the Governor, Legislature, and Supreme Court
- Recommend laws affecting sentencing and incarceration length

Limitations:

- Cannot propose behavioral or programming credits
- Cannot retroactively change existing sentences

Future Proposal Roadmap

Legislative amendments incorporated into the 2024 Second Look and Productivity Credit bills provide key insights for future proposals:

- Narrowed eligibility to exclude mass shootings and certain violent offenses.
- Judicial discretion to deny Second Look hearings
- Victim input and notification requirements
- Capped sentence reductions
- Non-retroactivity to limit case scope
- Misconduct exclusions
- Public safety framing, emphasizing rehabilitation and reentry readiness

Together, the Commission and these insights provide Michigan with a practical roadmap to turn incremental progress into lasting, statewide impact.

Data Trends: Rising Minimum Terms and Shifting Commitment Patterns

This analysis uses publicly available data from the Michigan Department of Corrections (MDOC) to explore key aspects of the state’s correctional system, including intake and commitments, overall prison population trends, length of stay (LOS), minimum sentence terms, and offense-specific patterns.

Population Shifts in Overall Prison Population

As Figure 1 below displays, Michigan’s overall population decreased over the past decade, down 24 percent between 2014 and 2023, it has begun to increase again in recent years.¹⁵ While the most significant decline occurred in 2020 following policy changes made in response to the COVID-19 pandemic,¹⁶ Michigan’s net prison population change decreased each year until 2022 and 2023.¹⁷ Even though it has seen an increase, the population still remains two percent below 2020 levels and 24 percent below 2014 levels.¹⁸

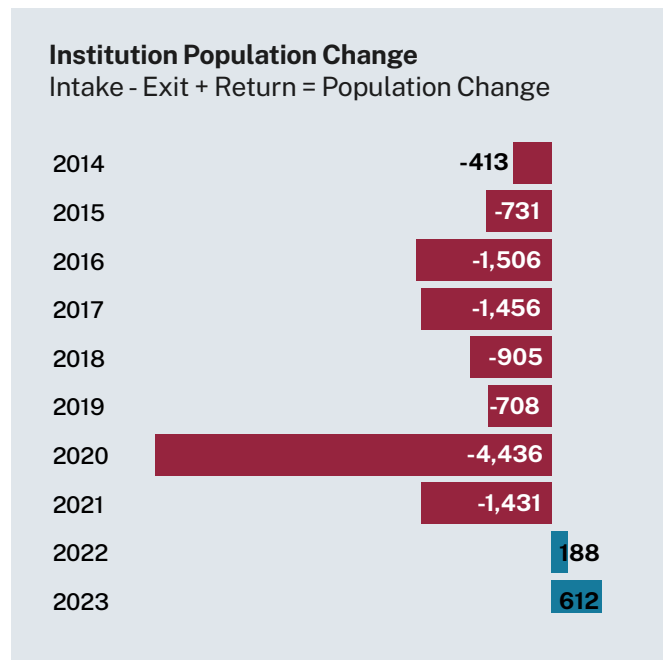
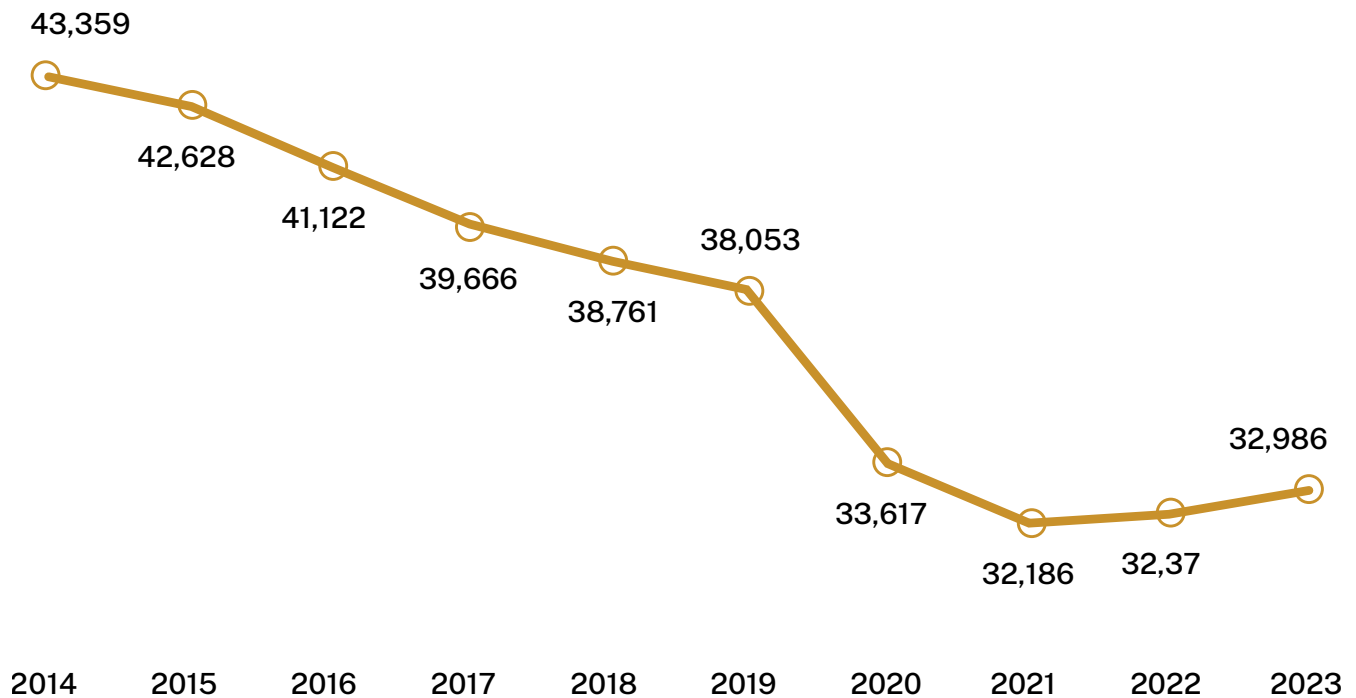


Figure 1. Year End Population
2014-2023



Population Shifts in Intake and Commitments

Similar to the overall population, intake and commitments to MDOC were also on a steady decline until 2020.¹⁹ As noted in Table 1, intake refers to all individuals admitted as either a new court commitment, probation violator, or parole violator and commitments is a broader term including all those captured in the intake category, as well as individuals who are already incarcerated and receive an additional sentence. Between 2014 and 2023, intake was 33 percent lower and commitments were 30 percent lower.²⁰ From 2014 to 2020, intake decreased by 57 percent and commitments decreased by 54 percent. However, from 2020 to 2023, intake and commitments both increased by 55 percent and 54 percent, respectively.²¹

Additional Sentences Contribute to Growth

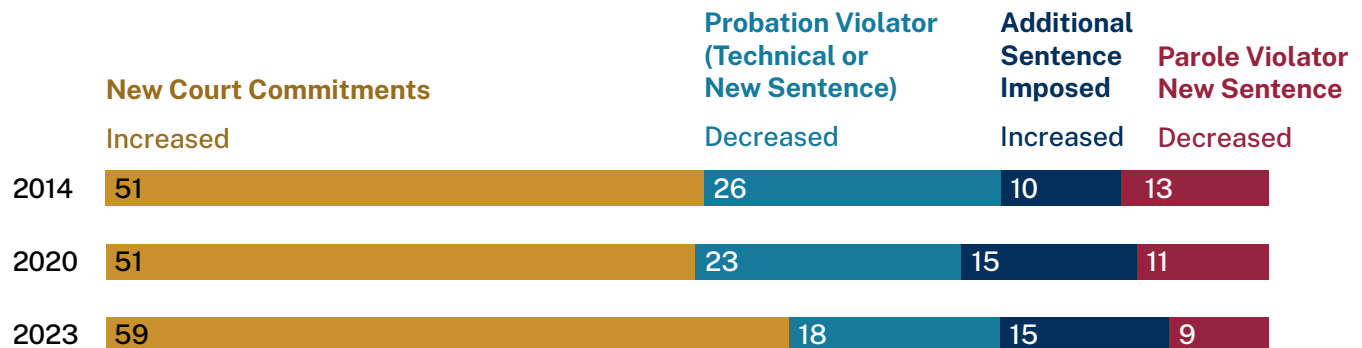
Similar to overall prison population trends in recent years, new court commitments have increased when an additional sentence is imposed,²² while commitments for probation and parole violators have decreased. Most years, commitments were about 12 percent higher than intake until 2020, where commitments were about 16 percent higher than intake.²³ This difference is largely due to an increase in individuals with an additional sentence imposed. More broadly from 2014 to 2023, commitments for

Table 1. Key Data Terms

	2023 Data
Intake Total number of individuals entering MDOC custody in a given year. Intake types include Parole violator (new sentence or technical) and new court commitments.	5,995
Commitments All individuals admitted to MDOC and counted as “intake” and includes those with an additional sentence imposed.	7,015
Additional Sentence Imposed Individuals already under MDOC jurisdiction who receive an extra sentence.	15% of all commitments
Total Population Year-end count of all individuals in MDOC custody.	32,986

probation violations decreased from 26 percent to 18 percent; commitments for parole violations decreased from 13 percent to nine percent; and commitments with an additional sentence imposed increased from 10 percent to 15 percent.²⁴ More specifically, the increases since 2020 (noted above) are largely due to a growth in commitments, jumping from 51 percent in 2020 to 59 percent in 2023.²⁵

Figure 2. MDOC Commitments by Type (%)
2014, 2020, 2023

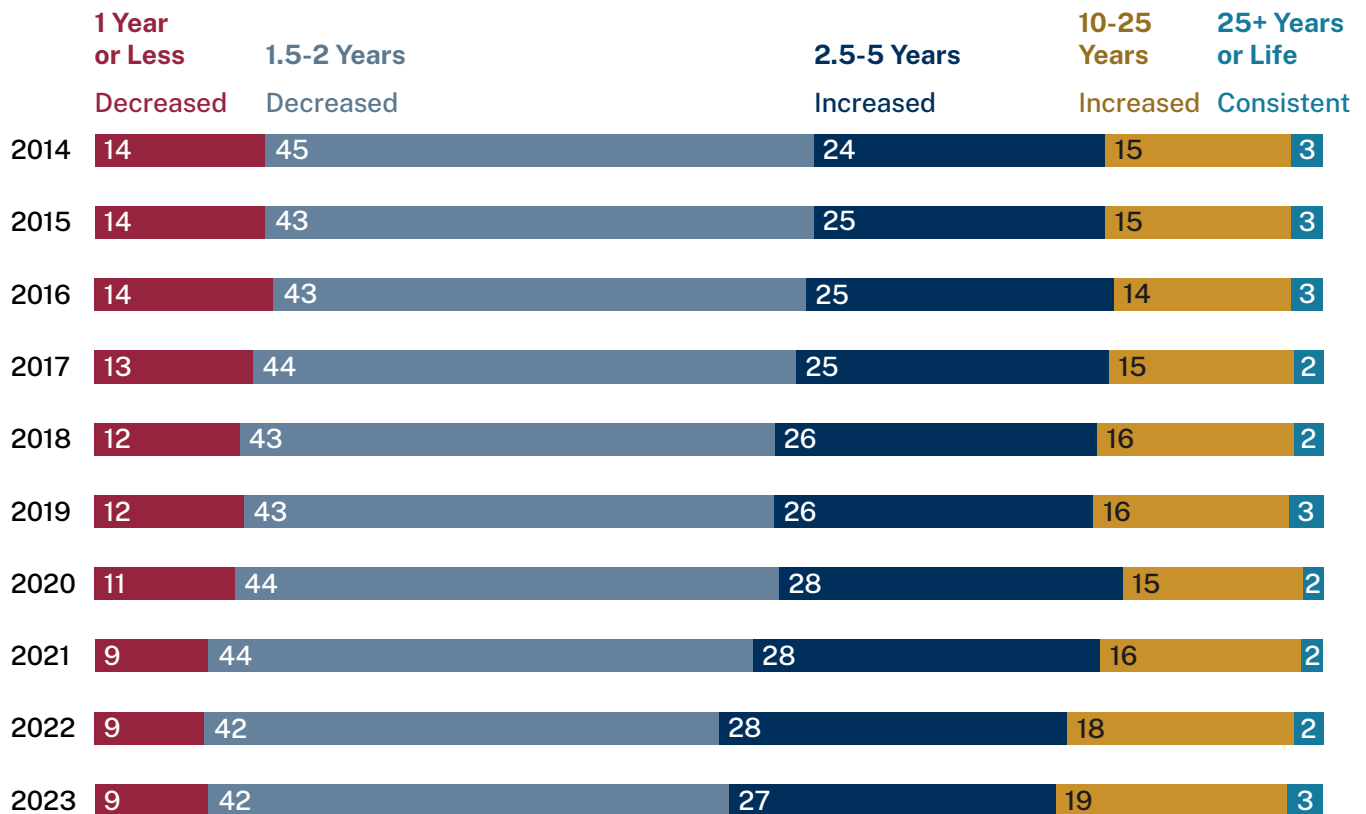


Minimum Terms Increase for Commitments and Total Population

Similar to shifting commitment patterns, the distribution of minimum terms²⁶ has grown in recent years. Examining minimum terms for commitments is important to understand sentencing patterns of a specific year, while looking at minimum terms for the overall prison population provides a broader view of how sentences fare over time. For commitments, the average minimum term was relatively stable in the years prior to 2020; however, by 2023, the average minimum term was 4.7 years, almost a full year longer than the minimum term committed in 2020 (3.8 years).²⁷ While the majority of commitments had a minimum term of two years or less every year, from 2020 to 2023 a growing number of commitments had a minimum term of 10 years or more, shown in Figure 3 below.²⁸



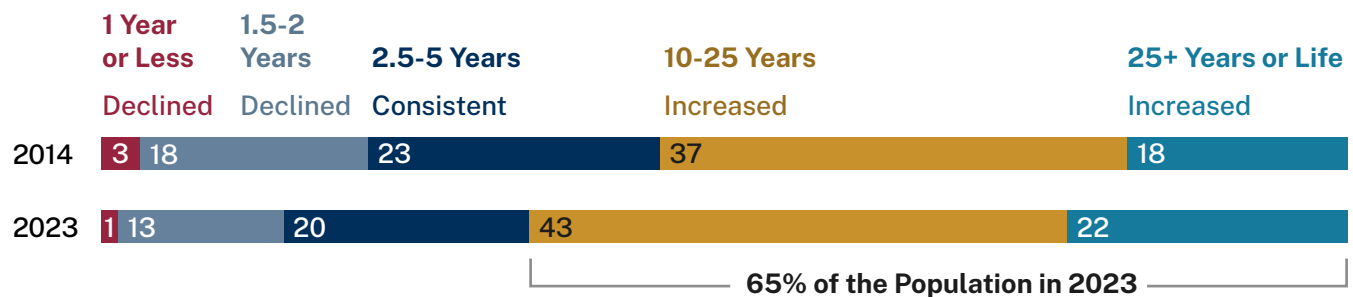
Figure 3. DOC Commitments by Minimum Distribution (%)
2014-2023



The average minimum term for the prison population rose by nearly 30 percent from 9.3 years in 2014 to 12 years in 2023.²⁹ The sharpest increase occurred from 2019 to 2020, from 10.8 years to 11.7 years.³⁰ As displayed in Figure 4, the share of individuals with minimum terms of 10 years or more has grown from 55 percent in 2014 to 65 percent in 2023. Meanwhile, the proportion with a minimum term of two years or less decreased from 21 percent to just 14 percent.¹

I. Of the 32,986 individuals in the 2023 snapshot population, 21,649 individuals had a minimum term of 10 years or more and 4,843 individuals had a minimum term of two years or less.

Figure 4. Total Prison Population by Minimum Term Distribution (%)
2014 & 2023



Average Minimum Terms Grow for All Offense Types

While commitments and minimum terms increased overall from 2014 to 2023, the impact varied by offense type.^{31,32} MDOC classifies its prison population by offense into assaultive, non-assaultive, and drug-related categories.

minimum term for commitments with drug offenses increased by 33 percent from 2014 to 2023 and was 10 percent higher in 2023 than in 2020.³⁷ In 2023, 15 percent of commitments with drug offenses had a minimum term of 10 years or more.³⁸

Sentence Length Trends Among Commitments

For nearly every year except 2014, assaultive offenses were the most common offense type for commitments, accounting for half of commitments in 2022 and 2023.³³ The proportion of commitments with drug offenses also increased over time, from 14 percent to 17 percent of all commitments, while the proportion of commitments with non-assaultive offenses decreased from 44 percent to 33 percent of all commitments.³⁴

Sentence Length Trends Among Prison Population

Aside from examining sentence lengths for commitments, it is necessary to look at minimum terms for all individuals serving in prison over the past decade to get a more comprehensive picture. Within the prison population, assaultive offenses were also the most common offenses, accounting for around three-fourths of the prison population every year. Over time, there were decreases in the prevalence of non-assaultive offenses and a slight increase in the prevalence of those with drug offenses.

Of the commitments, the average minimum term increased for both drug and assaultive offenses. From 2014 to 2023, the average minimum term for commitments with assaultive offenses increased by about 3 percent, but had a 23 percent increase from 2020 to 2023.³⁵ In addition, nearly 37 percent of commitments in 2023 with assaultive offenses had a minimum term of 10 years or more.³⁶ The average

Mirroring average minimum trends for commitments, assaultive offenses had the longest average minimum term every year, followed by drug offenses and non-assaultive offenses. Between 2014 and 2023, the average minimum term for individuals with assaultive offenses increased by 21 percent,

amounting to an additional 2.6 years. The average minimum terms for individuals with drug offenses increased by 7 percent and the average minimum term for individuals with non-assaultive offense increased by 10 percent but still remained lower than those with drug offenses.

In addition, the distribution of minimum terms by offense type provides further details to the average minimum terms. In 2023, 79 percent of individuals with an assaultive offense had a minimum term of 10 years or more with only 7 percent with a minimum term of two years or less. By contrast, one-third of individuals with drug offenses and 12 percent of individuals with non-assaultive offenses had a maximum term of 10 years or more.³⁹ In addition, 28 percent of individuals with drug offenses and half of individuals with non-assaultive offenses had a minimum term of two years or less.⁴¹

Figure 5. Total Prison Population by Minimum Term Distribution and Offense Type (%) 2023

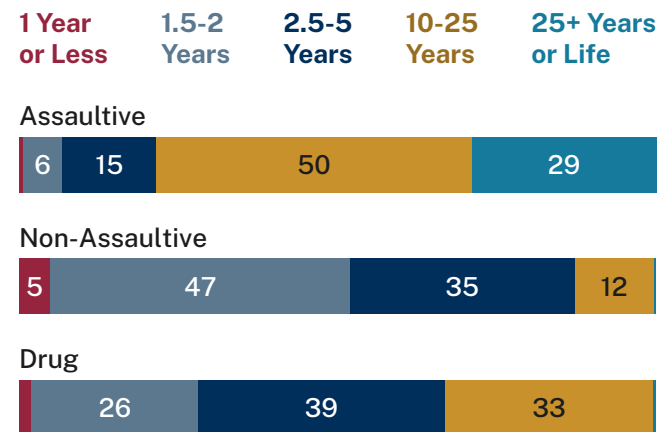
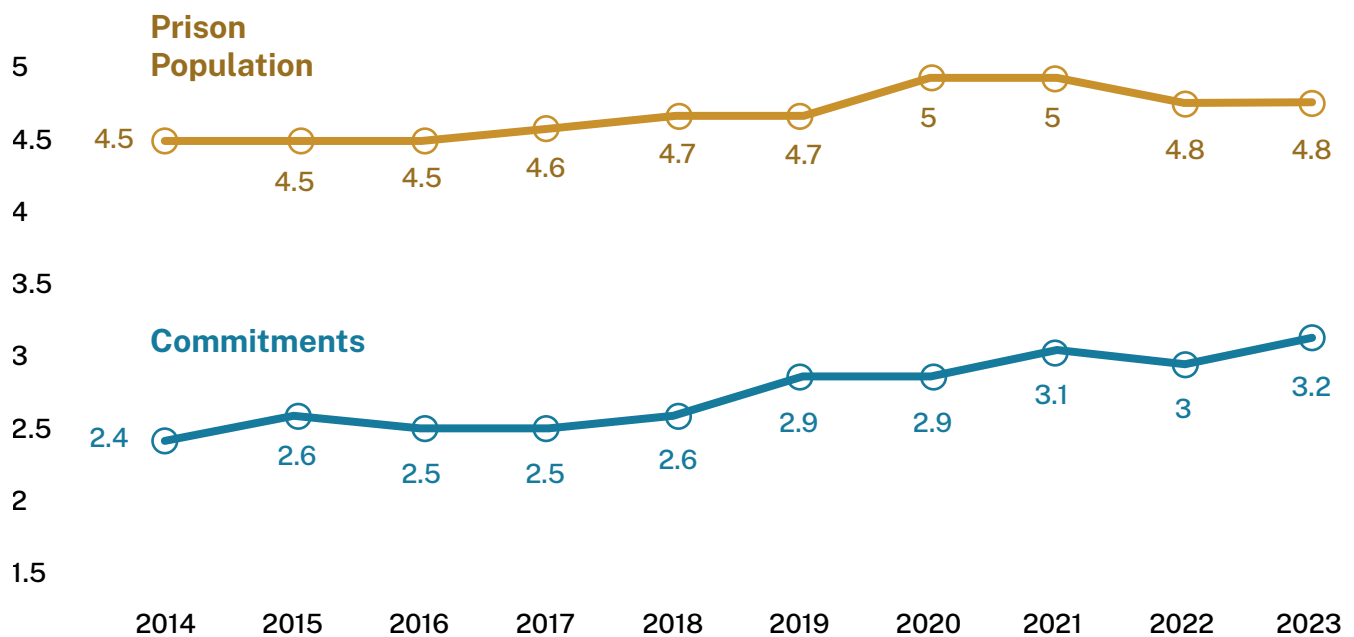


Figure 6. Average Minimum Term for Commitments and Prison Population with Drug Offenses (In Years) 2014 & 2023



41. In the 2023 prison snapshot population, there were 25,586 individuals with an assaultive offense; 4,232 individuals with a non-assaultive offense; and 3,156 individuals with a drug offense.

Sentences Beyond Statutory Maximums

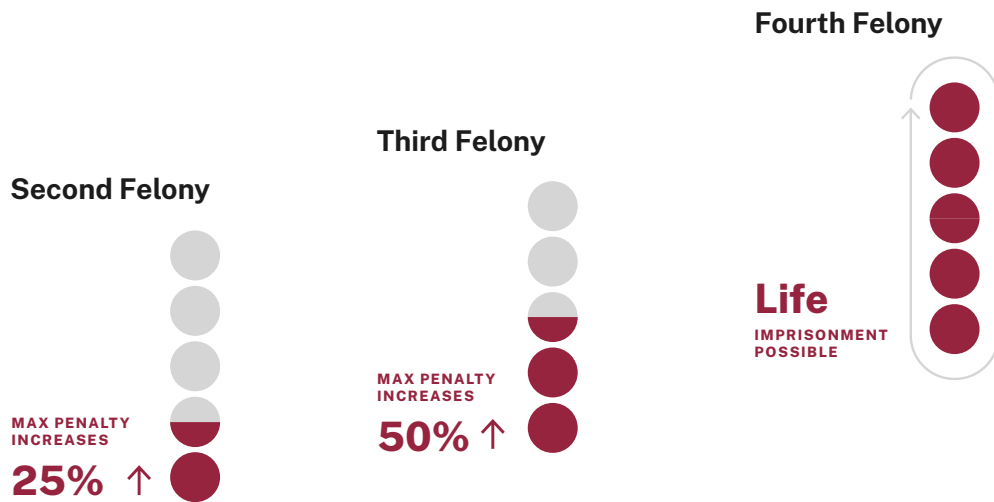
Beyond the average minimum sentence terms increasing, data shows many sentences at MDOC are actually above the statutory maximum. Indeterminate sentencing systems naturally produce wide ranges, but data shows a considerable degree of statutory variance occurring in the state. For example, in the 2014 prison population, second-degree home invasion (max 15 years)⁴⁰ showed minimum terms from six months to life, and felon in possession of a firearm (max 5 years)⁴¹ ranged from one year to life. Narcotics possession offenses reflected this variance, with possession of less than 25 grams (max 4 years)⁴² ranging from six months to 10 years, and possession of 50–449 grams (max 20 years)⁴³ ranging from 1.5 years to life.

Similar patterns were also found in the 2023 minimum terms. For 2023 commitments, individuals

convicted of a third offense of operating a vehicle while intoxicated with a controlled substance received sentences ranging from six months to 25 years which exceeds the statutory maximum of five years.⁴⁴ In 2023, the most common non-assaultive offense among the prison population was second-degree home invasion with an average minimum term of 4.8 years. Individuals convicted of this offense had a minimum term anywhere between one and over 25 years, exceeding the maximum penalty of 15 years.⁴⁵

These patterns underscore the impact of sentence enhancements, criminal history, and general aggravating and mitigating circumstances. For instance, the state’s habitual offender statute⁴⁶ allows minimum penalties to increase by 25 percent for a second felony, 50 for a third, and 100 percent for a fourth.⁴⁷

Habitual Offender Enhancements in Michigan⁴⁸



Impact

Enhancements expand sentencing ranges in an indeterminate system, often producing minimum terms that exceed statutory maximums — especially when combined with consecutive or additional sentences.

Longer Prison Terms Increasing Fiscal Burden

A key but often overlooked part of the conversation relating to Michigan's long sentence lengths is the fiscal impact of this policy decision. Following Michigan's extensive FY2026 budget negotiations in October 2025, MDOC was allocated \$2.16 billion in funding, reflecting the growing costs of incarceration, staffing, and maintenance.⁴⁹ As of 2023, Michigan spends approximately \$49,000 per person per year incarcerated in MDOC.⁵⁰ Based on a 12-year average minimum term, the cost per individual approaches \$588,000. Population increases in 2022 and 2023 (MDOC's first population increase in nearly a decade) generated projected additional costs of approximately \$9 million and

\$29 million, respectively.⁵¹ These cost increases are further exacerbated by the fact that there are more individuals at MDOC who are aging and requiring more medical attention. As of 2023, nearly 20 percent of individuals at MDOC are aged 55 or older⁵² and in FY2025, MDOC spent about \$374 million on inmate healthcare — 17 percent of its total corrections budget.⁵³ These increased costs to house individuals in prison, is another factor to consider when examining the state's long length of stay and sentencing structure.

Key Risks & Opportunities

Michigan's criminal justice reform efforts are entering a decisive phase. The convergence of rising incarceration trends, stalled sentencing legislation, and a pivotal election year presents both challenges and opportunities for meaningful change.

Key Risks to Long-Term Change



Legislative Inaction

Despite growing public awareness, proposals like Second Look resentencing and productivity credits have repeatedly failed to advance. Without renewed momentum, Michigan risks deepening its long-term incarceration crisis.



Sentencing Trends

Minimum terms continue to rise across offense types.



Nearly two-thirds of the prison population is serving 10 years or more

Commitments for 10–25-year sentences are at their highest levels in a decade



System Strain

Michigan's prison population is rising for the first time in a decade, reversing years of decline and straining facilities. At the same time, persistent staffing shortages — despite recent recruitment gains — keep vacancy rates high, forcing overtime and reducing programming. These trends compound operational challenges and increase fiscal pressure across the corrections system.



Commission Stagnation

The reinstated Sentencing Commission is authorized to review sentencing policies and recommend prospective changes. However, its scope is limited: it cannot propose behavioral or programming credits or retroactive sentence reductions. Without active monitoring and stakeholder engagement, these statutory constraints risk reducing the Commission's role to a passive advisory body rather than a driver of reform.



A Growing, Aging Prison Population

Michigan's population is not only increasing but also aging — nearly 20% of individuals incarcerated in 2023 were aged 55 or older. This demographic shift significantly raises the demand for specialized healthcare and age-related services, compounding costs and placing additional strain on an already unstable state budget.



Nearly 20% of individuals incarcerated in 2023 were aged 55 or older

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Opportunities

Opportunities to Advance Sustainable Change



Sentencing Commission Reports

The Commission's first report can serve as a foundation for legislative action in 2026 – if stakeholders track progress, engage with commission members, and ensure transparency.



Narrative Power

Successes from Clean Slate, bail reform, and medical parole offer compelling stories to counter tough-on-crime rhetoric and build public support.



Strategic Reintroduction

With the right timing and framing, Second Look and productivity credit bills can be reintroduced in 2026 with stronger bipartisan backing.



2026 Elections

With new leadership on the horizon, the elections offer a chance to elevate sentencing reform as a campaign issue. Candidates committed to data-driven justice can help reframe the conversation and prioritize long-stalled reforms.



Coalition Building

Reform advocates can expand their base by engaging conservative voices, law enforcement allies, and directly impacted individuals, creating a broader tent for change.

Conclusion

Michigan has taken meaningful steps to address its criminal justice challenges in recent years, but long-term incarceration policies remain largely unchanged. As the state approaches a period of political transition, it faces a choice: either allow the momentum of reform to stall or continue to advance sentencing reform toward a more fair, effective, and evidence-based system.

The path forward demands sustained engagement, strategic coordination, and a shared commitment to justice. Advocates, policymakers, and community leaders must work together to ensure that sentencing reform is not just revisited but realized. With the right leadership, coalitions, and a clear public message, Michigan can move beyond incremental change and toward a justice system that reflects the values and needs of all its residents.

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