Safe & Just Michigan

Oct. 15, 2026

Issue Brief

Creating Good Habits: Fixing Michigan's Habitual Offender Laws

Author:

Cassie Larrieux - *Senior Policy & Research Specialist*

Inside:

Taking harm seriously



Safe communities require that people be held accountable when they do harm. Michigan's Habitual Offender statutes allow courts to sentence people to lengthier sentences if they have prior felony convictions.

A confusing current law



The way the Habitual Offender statutes are used has raised issues. For instance, someone who has never before been convicted of a crime may be sentenced as a habitual offender and face a substancially longer sentence.

Standardizing sentencing



Michigan's Legislature can clear up the confusion and standardize sentences across the state. Legislators could further allow mental health or other factors to be allowed as mitigating circumstances.

Making justice more just



Legislative action is required to address the inconsistencies in Michigan's Habitual Offender statutes and ensure that justice is applied equally across the state.

Executive Summary

Michigan's one set of habitual offender enhancement statutes, MCL 769.10 through 769.12, imposes progressively severe penalties on individuals with prior felony convictions by increasing sentence maximums. Consequently, depending on the number of charges and convictions an individual has from their first contact with the criminal legal system, a habitualized individual can, if they reoffend, receive a life sentence for offenses that normally do not carry a life sentence. This outcome is neither intended by the lay public nor consistent with legislators' goals when they enacted the law.

This report traces the history of MCL 769.10, through 769.12, from their 1926 New York origins, through three Michigan Supreme Court decisions, to the present day. It highlights the tension between judicial interpretation and legislative intent, as observed across all Supreme Court cases, and examines a bill introduced in 2026[1], the proposed legislative response.

This report concludes that Senate bill is an essential remedy that clarifies how the Legislature intended prior convictions are to be counted. This is a necessary, narrowly focused, technical fix to the Michigan habitual offender enhancement statute. If this legislation were passed and adopted, other substantive problems with habitual offender enhancements would remain. These problems include the laws' inconsistent application across the state; their inability to account for the role of mental illness and substance use disorders in repeat offending; and the overuse of prior convictions in sentencing.



Judges and prosecutors may apply habitual offender status at their discretion. As a result, some courtrooms and counties apply the sentencing enhancer regularly, while others do it rarely, resulting in widely disparate sentences for similar convictions.

1 *Senate Bill 895 of 2026*

I. Michigan's Habitual Offender Statutes

Statutory Framework

Four statutes, MCL 769.10, 769.11, 769.12, and 777.21, govern habitual offender enhancements in Michigan. Together, they establish escalating penalties based on the number of prior felony convictions and the nature of the current offense. The first three, MCL 769.10, 769.11, and 769.12, affect the maximum sentence of an individual being habitualized. Enhancements to the minimum sentence are determined based on MCL 777.21. *Table 1* summarizes the enhancement levels

It is important to distinguish between a criminal incident/event and a conviction. A criminal incident or event is an occasion where one individual or a group of people acting in concert break one or more laws at the same time and place[7, 8]. Each law that is broken is a criminal offense. Each offense would be its own separate charge and, if the person is found guilty, would result in a conviction. Since multiple offenses can occur during a single criminal incident, multiple convictions can result from it. The problem with the text of Michigan's habitualization laws is that it treats an individual with multiple convictions arising from one criminal event exactly the same way as an individual who commits one offense during one criminal incident multiple times *(See Table 1)*.

This document's scope is limited to Michigan habitual laws that affect the maximum sentences only (MCL 769.10 through 769.12).

Table 1: Michigan Habitual Offender Enhancement Structure (MCL 769.10, 769.11, and 777.21)[1]

		Changes to Maximum Sentence	
Number of Prior Convictions	**Changes to Minimum Sentence Range**	**Current Offense Punishable by Life**	**Current Offense Punishible by Term of Years Less than Life**
One prior conviction ("second habitual")	The upper limit of the recommended minimum sentence is increased by 25%[2]	Defendant may be imprisoned for life or a lesser term[3, 4]	The maximum of the sentence range is *one and a half times* the prescribed statutory maximum[3]
Two prior convictions ("third habitual")	The upper limit of the recommended minimum sentence is increased by 50%[2]		The maximum of the sentence range is *two times* the prescribed statutory maximum[4]
Three or More Prior Convictions ("fourth habitual")	The upper limit of the recommended minimum sentence is increased by 100%[2]	If the current crime or any prior conviction qualifies as a "serious crime," the minimum sentence must be at least 25 years[5]	If the crime is a "serious crime" and the statutory maximum is 5+ years, the maximum may be *set to life*[5]
			If the crime is not a "serious crime" and the statutory maximum is less than 5 years, the maximum may be set to 15 years[5]
			If the crime is not a "serious crime" and the statutory maximum is 5+ years, the maximum may be *set to life*.[5]

Note: "Serious crimes" are defined under MCL 769.12 and typically include crimes against a person, such as assault with intent to cause great bodily harm, unarmed assault with intent to rob, malicious intent to maim or disfigure, and criminal sexual conduct.

2 *Michigan Code of Criminal Procedure, MCL 769.10 et seq. https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-769-10*
3 *Michigan Code of Criminal Procedure, MCL 777.21. https://legislature.mi.gov/Laws/MCL?objectName=mcl-777-21*
4 *MCL 769.10*
5 *Michigan Code of Criminal Procedure, MCL 769.11. https://legislature.mi.gov/Laws/MCL?objectName=mcl-769-11*
6 *Michigan Code of Criminal Procedure, MCL 769.12. https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-769-12*
7 *Technically everything does not have to happen at the exact same place and time. If the time internal between the offenses and the distance between the locations where they occurred are different but are insignificant the offenses are considered to have happened at the same time and place.*
8 *"NIBRS Resource Guide: NIBRS Concepts." National Archive of Criminal Justice Data (NACJD), Inter-university Consortium for Political and Social Research (ICPSR), University of Michigan, https://www.icpsr.umich.edu/sites/nacjd/resources/learning-and-data-guides/nibrs-resource-guide/nibrs-concepts.*

Scope and Application

As currently interpreted by the courts, the MCL 769.10, 769.11, and 769.12 count each prior felony conviction individually, regardless of whether multiple convictions arose from a single criminal incident. There is no limitation on the age of a prior conviction or the jurisdiction in which it was obtained. A felony conviction from another state, even one that is decades old, may be counted as a prior conviction for habitualization purposes, provided adequate evidence of that conviction is presented to the court.

Habitualization in Michigan is not automatic[9]. It is initiated solely at the prosecutor's discretion. While a prosecutor may technically seek habitualization at any point before, during, or after trial, the standard practice is to do so at or near the time of arraignment. Within 21 days of the first arraignment, the prosecutor may seek habitualization by notifying the court and the defendant. After that 21-day window closes, the prosecutor may still seek habitualization, but only with the court's permission.

Habitual enhancements are attached to individual charges and, subsequently, convictions. Consequently, when we discuss statistics on habitualization, we have to be clear about whether we are referring to individuals or convictions. Based on information received from the Michigan Department of Corrections in May 2025, there were a total of 35,962 active felony convictions/dispositions in 2024, representing 21,758 unique persons. Statewide, about one in five (20.1 percent) felony convictions/dispositions have habitual enhancements attached. This represents an estimated 3,967 individuals. Within that 20.1 percent, the most frequent habitual enhancement referenced is the fourth habitual (MCL 769.12) *(See Table 2)*.

Table 2. Active Felony Convictions/Enhancements with a Habitual Enhancement in 2024

	Not Habitual Enhanced	Habitual Enhanced
Total	79.9%	20.1%
Type of Habitual Enhancement	**Under statute**	
	MCL 769.10 (second habitual)	32.3%
	MCL 769.11 (third habitual)	24.4%
	MCL 769.12 (fourth habitual)	43.3%

Source: Sentencing Table. OTIS (Offender Tracking Information System). May 2025

Table 3. Types of Active Felony Convictions/ Dispositions with a Habitual Enhancement in 2024

	With Habitual Enhancement
Crimes Against a Person	21.7%
Crimes Against Property	26.9%
Crimes Against Public Order	21.3%
Crimes Against Public Safety	23.2%
Crimes Against Public Trust	9.1%
Crimes Involving a Controlled Substance	18.5%

Source: Sentencing Table. OTIS (Offender Tracking Information System). May 2025

The Michigan Code of Criminal Procedure has six offense categories based largely on the target of the offense: crimes against a person, crimes against property, crimes against public order, crimes against public safety, crimes against public trust, and crimes involving a controlled substance[10]. When we look at the proportion of felony convictions/ dispositions with enhancements, including habitual offender enhancements, across these six offense categories, we see slightly higher rates of habitualized convictions among property offenses, followed by offenses related to public safety. Most felony convictions/dispositions carrying the habitual offender enhancements in 2024 were property offenses, followed by crimes against public safety offenses *(See Table 3)*.

9 *Michigan Judicial Institute, Criminal Proceedings Benchbook, Vol. 2, § 4.2 (rev. ed. 2021).. https://www.courts.michigan.gov/4a4f33/siteassets/publications/benchbooks/criminal/crimv2responsivehtml5.zip/index.html#t=Crimv2%2FCh_4_Habitual_Offenders%2FEstablishing_a_Defendants_Habitual_Offender_Status-s105a.htm%231937155&rhtocid=_0_0_8_1*

10 *Examples of **crimes against a person**: murder, rape, and assault. Examples of **crimes against property**: theft, arson, and vandalism. Examples of **crimes against public order**: driving under the influence of drugs or alcohol and weapons violations. Examples of **crimes against public safety**: reckless endangerment, carrying concealed weapon, and bomb threats. Examples of **crimes against public trust**: bribery of a public official and mail fraud. Examples of **crimes involving a controlled substance**: Possession of a controlled substance with intent to deliver.*

II. History: Legislative Intent and Court Decisions

Origins of the Law

Although the idea of escalating punishment for individuals displaying long and persistent patterns of criminal behavior is an old one[11], a common assumption is that Michigan's habitual offender enhancement statutes originated during the "tough on crime" legislative era of the 1970s and 1980s. This is not true.

The law is considerably older, having first been enacted in Michigan in 1927, and was modeled directly on legislation adopted by New York state in 1926[12].

The New York law, also known as Baumes' Law, was authored by state Sen. Caleb Baumes, who stated his intent to target what he called career criminals, individuals with long and persistent criminal histories who repeatedly returned to criminal conduct after serving their sentences[13]. Sen. Baumes' rationale for the law as follows:

> "The man who has been convicted once, twice, three times, sentenced, and served his time and come out and resume operations again has proven to you and to me that he cannot learn his lesson. He is incurable. He is non-reformable. And either he cannot or he will not adjust himself to the fixed and settled rules and regulations of society and civilization[12]."

Michigan adopted the New York text without modification. At the time both laws were enacted, the practice of charging multiple felony counts arising from a single criminal incident was far less common than it is today. As a result, the original drafters did not contemplate, and the text of the law did not address, how multiple charges stemming from a single incident, which was relatively rare at the time[14, 15], should be counted for habitualization purposes.

Court Rulings

As the practice of charging multiple counts per criminal incident grew, Michigan courts faced increasingly inconsistent application of the habitual offender statutes. This inconsistency generated a series of appeals that ultimately reached the Michigan Supreme Court. Three cases are central to understanding the current legal landscape.

People v. Stoudemire (1989)

In *Stoudemire*, the defendant was convicted of assaulting a prison guard. Because he had three prior felony convictions, all arising from a single criminal transaction, prosecutors sought and obtained a fourth habitual offender enhancement. Defense counsel argued that because the three prior convictions arose from a single incident, the defendant had only one prior opportunity to reform, and the convictions should count as one for purposes of habitualization. The Michigan Supreme Court agreed, ordering resentencing as a second habitual offender. The Court's majority opinion stated:

> "Multiple convictions of a person which arise out of a single transaction may count only as a single prior conviction for purposes of the habitual offender statute."[16]

The Court further held that a court's responsibility in construing a statute is to implement the purpose and intent of those who enacted it, even if doing so appears to conflict with the literal text of the statute.

People v. Preuss (1990)

In *Preuss*, the defendant had three prior convictions, two entered in December 1985 and one in June 1986, and was charged as a fourth habitual offender[17]. He argued that the two December 1985 convictions should count as one under *Stoudemire*, making him a third habitual at most. The Court of Appeals agreed and ordered resentencing; the prosecution appealed to the Supreme Court, which used the opportunity to refine Stoudemire's holding.

Rather than requiring that each prior offense be separated by an intervening conviction and sentence, the Court concluded that the legislative intent of the New York law, on which Michigan's statute was modeled, did not compel such a rigid structure. The Court reaffirmed

11 *Greene, Jim. "Habitual Offender." EBSCO. EBSCO Knowledge Advantage, 2024. https://www.ebsco.com/research-starters/politics-and-government/habitual-offender.*
12 *People v. Gardner, 482 Mich. 41, 753 N.W.2d 78 (2008)*
13 *Stevens, Caleb. "Nomos and Nullification: A Coverian View of New York's Habitual Offender Law, 1926 to 1936." American Criminal Law Review 56, no. 2 (2019). https://www.law.georgetown.edu/american-criminal-law-review/in-print/volume-56/nomos-and-nullification-a-coverian-view-of-new-yorks-habitual-offender-law-1926-to-1936/.*
14 *Graham, Kyle. "Overcharging." Ohio St. J. Crim. L. 11 (2013): 701.*
15 *Schoenfeld, Heather, Durso, Rachel M., and Albrecht, Kat. "Maximizing charges: Overcriminalization and prosecutorial practices during the crime decline." (2018).*
16 *People v Stoudemire, 429 Mich 262; 414 NW2d 693 (1987)*
17 *People v Preuss, 436 Mich 714; 461 NW2d 703 (1990)*

its intent-based interpretation without imposing the additional requirement sought by the prosecution.

People v. Gardner (2008)

Gardner represented a significant departure from the two prior decisions. Gardner had been convicted of three felonies in 2001. Because he had two prior felony convictions arising from a single 1988 incident, he was charged as a third habitual offender. On appeal, he argued, based on *Stoudemire* and *Preuss*, that his two prior convictions should count as one, making him a second habitual offender.

This time, the Michigan Supreme Court disagreed. Drawing on its 2004 decision in *People v. Weeder*, the Court emphasized that where a statute's language is clear and unambiguous, courts must apply its plain meaning, not consider the Legislature's intent when it (the Legislature) enacted it. The Court wrote:

> "The holdings of *Stoudemire* and *Preuss* directly contradict the plain text of the statutes. Therefore, we overrule these cases. The unambiguous statutory language directs courts to count each separate felony conviction that preceded the sentencing offense, not the number of criminal incidents resulting in felony convictions[18]."

Stoudemire and *Preuss* were expressly overruled. Every felony conviction now counts individually for habitualization purposes, regardless of whether it arose from the same incident as another conviction. *(See Table 4).*

III. A *Gardner* Fix

The Problem *Gardner* Created

People v. Gardner produced two significant consequences. First, it made it possible for an individual charged with an offense(s) that would normally not carry a life sentence to receive a potential life sentence on only their second encounter with the criminal-legal system, if multiple felony convictions arose from their first encounter. This outcome runs contrary to both the popular understanding of habitual offender laws and the statute's original purpose, which was to target individuals who had repeatedly failed to reform after multiple separate periods of punishment. Second, it rendered the statute's plain text fundamentally at odds with the legislature's intent, a conflict that only the Legislature can resolve. In fact, in their opinion in *People v. Gardner*, the court states:

> "When the Legislature's language is clear, we are bound to follow its plain meaning. The Legislature is fully capable of amending statutory language if it sees fit to do so[19]."

A Legislative Response

In April 2026, state Sens. **Sue Shink** (D-Northfield Township) and **Stephanie Chang** (D-Detroit) introduced a bill to the Michigan Senate to address the Gardner problem directly. The bill amends Michigan's habitual offender enhancement statutes to align with the legislature's original intent: that the enhancement tiers should reflect the number of separate criminal incidents for which an individual was convicted and punished, rather than the total number of individual conviction counts. It also imposes a 10-year look-back period for prior convictions, consistent with Michigan Sentencing Guidelines[20].

Table 4. Key Michigan Supreme Court Decisions on Habitual Offender Prior Conviction Counting

Case	Holding on Prior Convictions	Key Principle	Status
***People v. Stoudemire* (1987)**	Multiple convictions from a single transaction count as one prior conviction.	Legislative intent governs; convictions from one incident = one prior.	Overruled by *Gardner* (2008)
***People v. Preuss* (1990)**	Did not require intervening convictions and sentences between each prior offense.	Reaffirmed intent-based reading of the statute.	Overruled by *Gardner* (2008)
***People v. Gardner* (2008)**	Each separate felony conviction is counted individually, regardless of whether it arose from the same incident as another.	Plain statutory language takes precedence over legislative intent.	Current controlling precedent

18 *People v. Gardner (2008)*
19 *People v. Gardner (2008)*
20 *State of Michigan Sentencing Guidelines Manual Prepared by the Michigan Judicial Institute ; https://www.courts.michigan.gov/publications/felony-sentencing-resources/sentencing-guidelines-manuals/*

If enacted, an individual subject to the fourth habitual enhancement, which carries the potential for a life sentence, would be a person with a persistent criminal history who, after having been convicted and punished on at least three prior and separate occasions, continued to engage in criminal conduct. This represents a materially different and more proportionate standard than the one currently applied under *Gardner*.

IV. Does the *Gardner* Fix Go Far Enough?

A legislative fix is a necessary and long-overdue correction to a technical flaw in Michigan's habitual offender statutes. It restores the legislative intent that governed the law for decades before *Gardner* reversed it. Since the proposed legislation is a technical fix, it does not resolve the broader structural defixciencies in the enhancement framework that exist independent of the controversy between legislative intent and judicial interpretation.

Three examples of structural deficiencies are:

1. Double-Counting Prior Criminal History

Michigan's sentencing guidelines already incorporate a defendant's prior conviction history, at least once, when calculating the recommended minimum sentence range[21, 22]. When a habitual offender enhancement is then applied on top of the guideline calculation, that same prior conviction history is used a second time (or in some instances a third time) to increase the sentence. The practical result is that habitualized defendants are penalized multiple times for the same criminal record[23]. For example, an individual with a prior conviction who resists a police officer without causing injury during an arrest can be charged, in addition to the offense that initiated the arrest, with resisting arrest. If convicted with a habitual enhancement, that individual's prior criminal history would be used three times to determine their minimum sentence [once to determine the Prior Record Variable (PRV) score, again to determine the Offense Score Variable (OV) score, and a third time for the habitual enhancement]. This structural redundancy raises serious proportionality concerns[24]. Proportionality simply states that the punishment for the crime must fit the severity of the offense. Since each time the person's prior criminal history is used, their minimum sentence increases, the more times it is used, the further the minimum sentence drifts away from a length that reflects the severity of the offense.

2. Failure to Account for Mental Illness and Substance Use Disorders

Individuals with untreated mental illness or substance use disorders are overrepresented among individuals with recurring criminal histories that trigger habitual offender enhancements[25]. Michigan's habitualization statutes, however, do not distinguish between individuals whose criminal history is driven by treatable medical conditions and those whose criminal history is not. Applying escalating criminal penalties to individuals whose conduct is driven by untreated addiction or mental illness substitutes punishment for treatment. Some scholars have noted the temporal overlap between the development of these laws and the prominence of eugenics-era thinking, suggesting that habitualization was in part designed to isolate individuals with "undesirable" characteristics from the general population over extended periods[26]. Modern science has fundamentally altered this understanding. Mental illness and substance use disorders are now recognized as chronic disease conditions that, with appropriate treatment, can be successfully managed and often resolved.

21 *To use the Sentencing Guidelines a prior record variable (PRV) score and an offense score (OV) is calculated for each conviction. A person's criminal history is always taken in account when calculating the PRV score. Criminal history may be included again calculating the OV score if the offense is a crime against a person.*

22 *Simon, Jonathan. "'The Criminal Is to Go Free': The Legacy of Eugenic Thought in Contemporary Judicial Realism about American Criminal Justice." BUL Rev. 100 (2020): 787.*

23 *Lombardo, Paul A. "Medicine, eugenics, and the Supreme Court: from coercive sterilization to reproductive freedom." J. Contemp. Health L. & Pol'y 13 (1996): 1.*

24 *Barry, Celeste, Bobby Boxerman, and Nazgol Ghandnoosh. Re-Punished for the Past: How Criminal Records Increase Prison Terms and Racial Injustice. The Sentencing Project, 2026. https://www.sentencingproject.org/reports/re-punished-for-the-past-how-criminal-records-increase-prison-terms-and-racial-injustice/.*

25 *Pollack, Harold, Peter Reuter, and Eric Sevigny. "If drug treatment works so well, why are so many drug users in prison?." In Controlling crime: Strategies and tradeoffs, pp. 125-160. University of Chicago Press, 2010.*

26 *Loehr, Daniel. The Eugenic Origins of Three Strikes Laws: How "Habitual Offender" Sentencing Laws Were Used as a Means of Sterilization. The Sentencing Project, 2025. https://www.sentencingproject.org/reports/the-eugenic-origins-of-three-strikes-laws-how-habitual-offender-sentencing-laws-were-used-as-a-means-of-sterilization/.*

3. Inconsistent Application Based on Jurisdiction

"Justice by jurisdiction" describes the geographic phenomenon in which the same offense, a violation of the same state law, is handled differently based on local law enforcement and prosecutorial policies. While some variation between states is expected, large variations within a state applying uniform law is not.

An example involves enforcement of Michigan's prohibition on psychedelic substances, classified as Schedule I controlled substances under the Michigan Public Health Code[27]. Despite this uniform classification, some municipalities have adopted policies decriminalizing possession[28]. The result is that, all else being equal, an individual in possession of a psychedelic may face prosecution in one jurisdiction while facing no consequences in another. Habitualization is subject to this same variability.

Earlier, it was mentioned that 20.1 percent, or one in five, felony convictions/dispositions in the state in 2024 had a habitual enhancement. The percentage of felony convictions/dispositions with a habitual enhancement varies widely across counties in 2024. It ranged from 2 percent in Kalkaska County to 58.3 percent in Eaton County. *(See Table 5, page 8)*. Because habitual enhancements must be affirmatively initiated by the prosecution, their application varies from one jurisdiction to another. An individual's exposure to enhanced sentencing may depend less on the nature of the offense or the extent of their criminal history than on the county in which they were charged.

V: Conclusions and Policy Recommendations

The bill introduced in 2026 represents an essential first step in the fair and effective application of habitual offender enhancement in Michigan. It corrects a textual error that has produced sentencing outcomes inconsistent with the law's original purpose and aligns the lookback period for prior convictions with current Michigan sentencing practices. It should be enacted.

However, the Legislature should treat the '*Gardner* fix' as the beginning of a broader reevaluation of the law. The narrow scope of the '*Gardner* fix' does not touch problems arising from the application of the law. Three examples of these are:

- Geographic disparities due to prosecutorial discretion and policy;
- Distinguishing between defendants whose criminal history is attributable to untreated mental illness or substance use disorder and defendants without those affections; and
- Multi-counting of prior conviction history when calculating sentences.

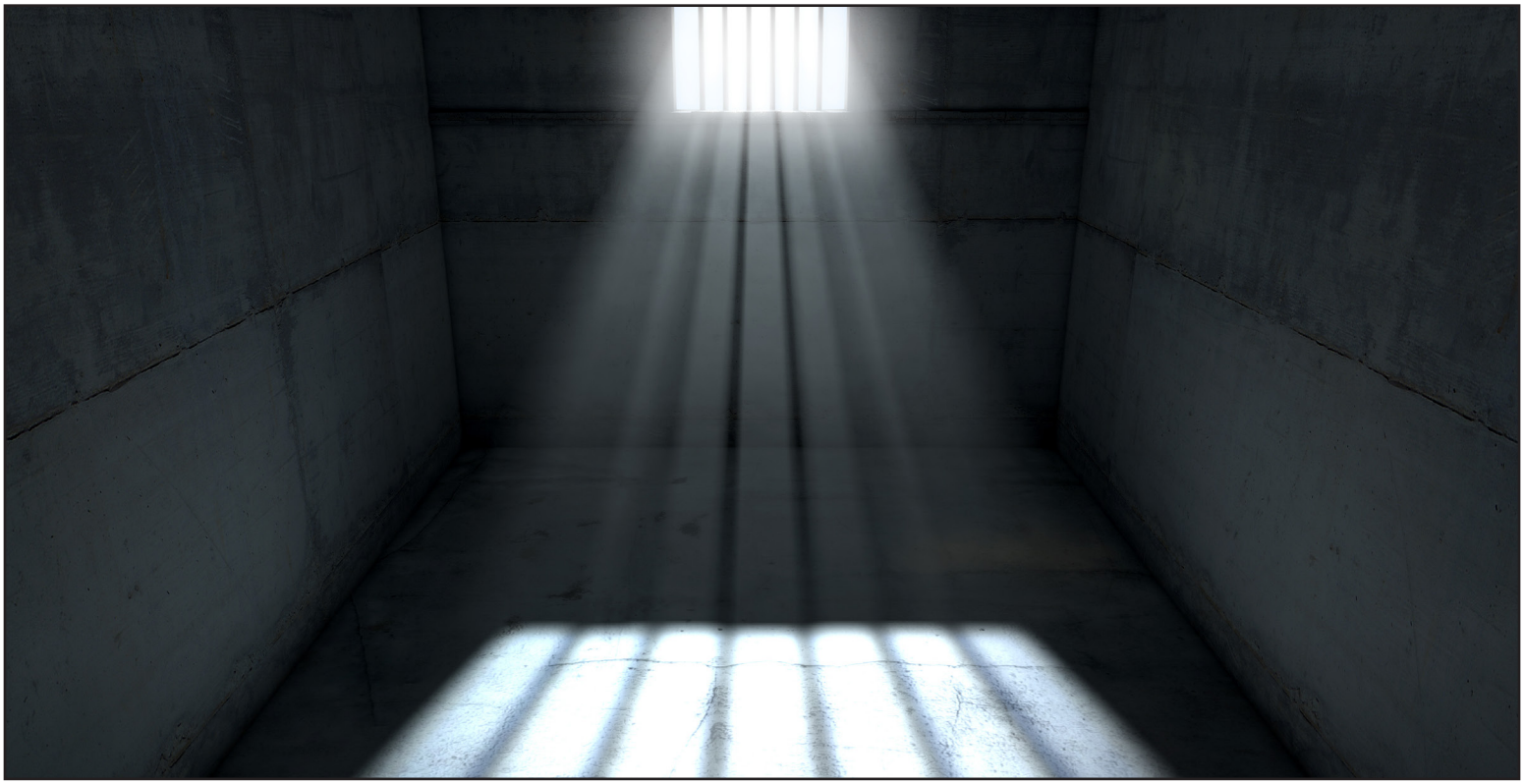
Michigan's habitual offender statutes were designed to impose the severest penalties on those who, despite repeated opportunities to reform, continue to engage in criminal behavior. Modern scholarship and fiscal realities demand a more nuanced, evidence-informed approach to repeat offending. A rational public safety policy must allocate resources toward interventions that demonstrably reduce crime and improve community safety, not toward extended incarceration that produces minimal additional deterrence while consuming resources that could address the root causes of recidivism.

27 *Michigan Public Health Code. MCL 333.7404 https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-333-7404*
28 *Erb, Robin. "Psychedelics move into the spotlight. What to know in Michigan." Bridge Michigan, May 1,2026. https://bridgemi.com/michigan-health-watch/psychedelics-move-into-the-spotlight-what-to-know-in-michigan/.*

Table 5. Percentage of felony convictions/dispositions with a habitual enhancement, by county

Jurisdiction	Felony Convictions/ Dispositions with a Habitual Enhancement
Eaton County	58.3%
Isabella County	49.5%
Muskegon County	49.4%
Livingston County	45.2%
Saginaw County	45.0%
Dickinson County	40.7%
Mason County	38.4%
Antrim County	36.8%
Midland County	36.1%
Clare County	34.3%
Luce County	33.3%
Ionia County	33.1%
Genesee County	32.9%
Tuscola County	31.3%
Chippewa County	30.6%
Iron County	29.6%
St. Clair County	29.5%
Newaygo County	29.5%
Allegan County	28.9%
Cass County	28.5%
Missaukee County	28.0%
Alpena County	26.1%
Kalamazoo County	25.9%
Cheboygan County	25.7%
Otsego County	25.5%
Oakland County	24.9%
Oscoda County	24.4%
Barry County	23.5%
Clinton County	23.0%
Huron County	22.7%
Shiawassee County	22.6%
Arenac County	21.6%
Montmorency County	21.4%
Lapeer County	20.8%
Ottawa County	20.4%
MICHIGAN (AVG.)	20.1%
St. Joseph County	19.4%
Ingham County	19.0%
Monroe County	18.9%
Van Buren County	18.4%
Calhoun County	17.3%
Manistee County	17.0%

Jurisdiction	Felony Convictions/ Dispositions with a Habitual Enhancement
Crawford County	16.4%
Mackinac County	15.4%
Menominee County	15.0%
Jackson County	14.9%
Montcalm County	14.7%
Charlevoix County	14.6%
Emmet County	14.4%
Roscommon County	14.4%
Ontonagon County	14.3%
Osceola County	13.8%
Benzie County	12.1%
Marquette County	12.0%
Grand Traverse County	11.7%
Sanilac County	10.4%
Kent County	10.2%
Iosco County	10.1%
Ogemaw County	9.9%
Macomb County	9.8%
Berrien County	9.6%
Gladwin County	9.3%
Hillsdale County	9.1%
Delta County	8.8%
Lenawee County	8.1%
Bay County	7.9%
Gratiot County	7.9%
Baraga County	7.7%
Gogebic County	7.5%
Wayne County	7.4%
Wexford County	6.3%
Washtenaw County	6.0%
Lake County	5.1%
Presque Isle County	4.2%
Branch County	3.7%
Alcona County	3.3%
Houghton County	3.3%
Alger County	2.8%
Mecosta County	2.5%
Kalkaska County	2.1%
Keweenaw County	0.0%
Leelanau County	0.0%
Oceana County	0.0%
Schoolcraft County	0.0%



Focused policies that would address the inconsistencies in application of the Habitual Sentencing enhancement and issues such as the double-counting of prior offenses could help make Michigan's legal system more uniform and consistent.

Take the Next Step

Michigan's existing Habitual Sentencing laws were drafted in the 1920s. They were created with the intent of holding people accountable who have been through the justice system several times and accumulated several convictions. However, this sentencing enhancement is applied at the discretion of a prosecutor, resulting in widely disparate sentences for similar offenses that took place in different parts of the state. In addition, subsequent court rulings have expanded the scope of these laws, making it possible for somoene to be convicted as a habitual offender the first time they stand before a judge.

Targeted legislation that would address existing issues with Michigan's Habitual Sentencing would:

- Address geographic disparities due to prosecutorial discretion and policy;
- Distinguish between defendants whose criminal history is attributable to untreated mental illness or substance use disorder and defendants without those affections; and
- End multi-counting of prior conviction history when calculating sentences.

Support for these common-sense reforms would make our justice system more consistent, just and objective.

Connect With Us!

Safe & Just Michigan

119 Pere Marquette Drive #2A

Lansing, MI 48912

517.482.7753

email: info@safeandjustmi.org

web: www.safeandjustmi.org

newsletter: bit.ly/sjmnewsletter

www.facebook.com/safeandjustmi

https://bsky.app/profile/safeandjustmi.bsky.social

www.instagram.com/safeandjustmi