



**House
Legislative
Analysis
Section**

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SENTENCING FOR CRIME ON PAROLE

RECEIVED

Senate Bill 397 (Substitute H-1)
First Analysis (2-17-88)

MAR 16 1988

Sponsor: Senator Harmon Cropsey Mich. State Law Library
Senate Committee: Criminal Justice, Urban Affairs,
and Economic Development
House Committee: Judiciary

THE APPARENT PROBLEM:

Under the Code of Criminal Procedure, the sentence for a crime committed by a prisoner, whether incarcerated or escaped, is to begin at the expiration of the sentence for which the prisoner was incarcerated. There is no analogous requirement for consecutive sentencing of a parolee who commits a crime while on parole. Because a parolee is still under sentence for the earlier crime, many believe that someone who commits a felony while on parole also should be subject to consecutive sentencing.

THE CONTENT OF THE BILL:

The bill would amend the Code of Criminal Procedure to require consecutive sentences for a parolee who committed a felony. In other words, if a person was sentenced to a term of imprisonment for a felony committed while he or she was on parole for a previous offense, the term for the later offense would begin to run at the expiration of the remaining portion of the term for the previous offense.

The bill would take effect June 1, 1988.

MCL 768.7a

HOUSE COMMITTEE ACTION:

The House Judiciary Committee adopted a substitute that differed from the original bill only in specifying an effective date.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would result in an indeterminate expenditure increase for the state in fiscal year 1987-88. The indeterminate increase would be the result of three primary factors: the date the bill took effect during fiscal year 1987-88; the number of individuals convicted of a new felony offense and sentenced to imprisonment while on parole; and, the average length of sentence imposed by the sentencing judge. (1-25-88)

ARGUMENTS:

For:

The law should deal strictly with criminals who commit serious crimes while still serving out their time for earlier crimes. The bill would ensure that someone finishing a sentence on parole was subject to the same sort of consecutive sentencing mandate that now exists for crimes committed while incarcerated or escaped. By doing so, the bill would do more than make for better consistency in the law. It would appropriately punish the behavior and ensure that such criminals are incapacitated for a greater period of time, thereby protecting the public for a greater period of time than concurrent sentencing would. It further could have a deterrent effect on criminals contemplating further predatory crime while on parole.

Against:

Critics charge that the bill would limit judicial discretion to make sentencing decisions on a case-by-case basis. It further would worsen prison overcrowding, with attendant fiscal consequences; this effect would be magnified by the recent trend to create statutory minimum sentences for various crimes. In short, the bill presents potential social and financial costs.

POSITIONS:

The Department of State Police supports the bill. (2-17-88)

The Prosecuting Attorneys Association of Michigan supports the bill. (2-17-88)

The Michigan Council on Crime and Delinquency opposes the bill. (2-16-88)

The State Appellate Defender's Office opposes the bill. (2-16-88)

S.B. 397 (2-17-88)