



**House  
Legislative  
Analysis  
Section**

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**NO PAROLE WITHOUT G.E.D.**

**House Bill 4206 as passed by the House  
Second Analysis (9-9-95)**

**Sponsor: Rep. Gregory E. Pitoniak  
Committee: Judiciary and Civil Rights**

***THE APPARENT PROBLEM:***

A common characteristic of prisoners in the state correctional system is low educational achievement. The director of the Department of Corrections has said, in testimony before the House Judiciary and Civil Rights Committee, that the average prisoner functions at the sixth grade level. Some people believe that if people in prison are to have a chance of succeeding once back in society, they need to raise their educational levels while incarcerated. The argument is that if prisoners are able to attain a high school diploma or a general education development (G.E.D.) certificate, they are less likely to return to prison. Legislation has been introduced that would prevent prisoners from being paroled without having gained such credentials, with a few exceptions.

***THE CONTENT OF THE BILL:***

The bill would amend the Department of Corrections act (Public Act 232 of 1953), to make a high school diploma or a general education development (G.E.D.) certificate a condition of parole for a prisoner serving a minimum term of at least two years. The provision would apply to prisoners sentenced for crimes committed after the effective date of the bill. This would mean that parole would generally be barred for such a prisoner until the education requirement had been met. However, the director of the Department of Corrections (or a designee) could waive the requirement for any prisoner who had a learning disability, who had gainful employment waiting upon parole, who did not have the necessary proficiency in English, who made a good faith effort to complete the requirements for a high school diploma or G.E.D. certificate but who was unsuccessful, or who for some other reason through no fault of his or her own was unable to successfully complete the educational requirements.

The bill also specifies that in providing an educational program leading to a high school degree

or G.E.D. certificate, the department would have to give priority to prisoners sentenced for crimes committed on or before the bill's effective date. Beginning with the 1997-98 fiscal year, the governor would have to include sufficient funding in the budget requests to fund the required educational programming.

The bill also would clarify that certain provisions regarding prisoners subject to disciplinary time ("truth-in-sentencing") would not take effect until Public Act 217 of 1994 (enrolled Senate Bill 40, which provided for "truth-in-sentencing") took effect.

MCL 791.233

***FISCAL IMPLICATIONS:***

The Department of Corrections' own plans call for such an education-before-release requirement, and so there are no unanticipated increases in costs stemming from the bill in its current form, according to a department spokesman. (9-8-95)

***ARGUMENTS:***

**For:**

The bill will work to ensure that prisoners in the state correctional system are better equipped educationally to become productive members of society once they are released and that they are less likely to return to prison. This has the potential for reducing recidivism, thus making the streets safer, and saving money for the state's law enforcement agencies, courts, and correctional system. The bill is consistent with current Department of Corrections goals, and putting this policy into statute makes it clear that it should remain a priority for the department. Making parole contingent on educational effort and achievement will provide a powerful incentive for prisoners to become better educated. The bill also provides some sensible waivers for prisoners who, for

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whatever reason, do not have the ability or opportunity to meet the requirements. The bill, as currently written, would apply only to new prisoners.

***Against:***

While the bill has an admirable objective and is consistent with the goals of the Department of Corrections, there could be practical difficulties with such a statutory mandate. For one thing, over time, it could delay the release of prisoners otherwise available to be released at a time when prisons were overcrowded. There are also some potential problems with the waiver provisions. They should be expanded to cover additional cases, such as the elderly, for whom future employment is not an issue, and prisoners without educational credentials but with proven job-related skills and a successful employment history. This would allow the targeting of educational programs to those who would gain the most benefit. Also, the broadest waiver provisions, allowing for waivers when the failure to complete the educational requirements was "not the fault of the prisoner" or when the prisoner had made a good faith effort but failed, could lead to lawsuits or parole appeals against the department. If parole appeals based on the broad waiver language were regularly successful, the bill's requirements would be rendered more or less meaningless.

***Response:***

A major concern that the department had with the original bill has been addressed in an amendment to the bill delaying its effective date. That is, the bill will only apply to new prisoners and not prisoners currently awaiting parole. Further, an additional waiver has been added for those who have gainful employment awaiting them upon parole. The corrections department considers the bill feasible to implement in its current form.

***POSITIONS:***

The Department of Corrections supports the bill as passed by the House. (9-8-95)