



## NO PAROLE WITHOUT G.E.D.

### House Bill 4515 as passed by the House Revised Second Analysis (9-5-97)

**Sponsor: Rep. John Freeman**  
**Committee: Corrections**

#### ***THE APPARENT PROBLEM:***

A common characteristic of prisoners in the state correctional system is low educational achievement. According to the Department of Corrections, the average prisoner functions at a sixth- or seventh-grade level. (See BACKGROUND INFORMATION.) 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 was introduced last session that would have prevented prisoners from being paroled without having gained such credentials, with a few exceptions. (That legislation, House Bill 4206, passed the House but died in Senate committee.) Similar legislation has been reintroduced.

#### ***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 requirements would apply only to prisoners sentenced for crimes committed after the effective date of the bill, and the bill would give priority to prisoners sentenced for crimes committed on or before the bill's effective date in the department's provision of educational programs leading to a high school degree or G.E.D. certificate.

Exemptions. The director of the Department of Corrections (DOC) could waive the G.E.D. requirement for prisoners who were older than 65 or who were gainfully employed immediately before committing the crime for which they had been incarcerated. The DOC could waive the requirement for any prisoner who had a learning disability, who did not have the necessary proficiency in English, or who for some other reason through no fault of his or her own was unable to successfully complete the educational requirements.

"Truth in sentencing." The bill would clarify that certain provisions regarding prisoners subject to disciplinary time

would not take effect until Public Act 217 of 1994 (enrolled Senate Bill 40, which provided for "truth-in-sentencing") took effect (which is to occur when the sentencing guidelines are enacted into law after the sentencing commission established by Public Act 445 of 1994 submits its report to the secretary of the Senate and the clerk of the House of Representatives).

MCL 791.233

#### ***BACKGROUND INFORMATION:***

Michigan inmates and education programs. According to the Department of Corrections, as of April 30, 1997, the state corrections systems had 41,057 men and 1,935 women. Of this population, approximately 68 percent of the male inmates and 58 percent of the female inmates do not have high school diplomas, and the average inmate functions at a sixth- or seventh-grade level. The department's educational programs include special education, adult basic education (or ABE, which indicates an eighth-grade reading level), general education development, vocational education (with most of these prisoners having at least a G.E.D.), "cell study" (for prisoners who are restricted to their cells), and certain court-ordered college programs. According to DOC statistics current to July 1997, in fiscal year 1996-97, 3,089 inmates were enrolled in G.E.D. programs and 4,899 in A.B.E. programs, 1,260 had passed the G.E.D. exam, and there were 1,269 prisoners on the "academic" waiting list (which includes both A.B.E. and G.E.D. programs).

According to an April 1997 Flint Journal article, in January 1996 the DOC opened a medium security facility in Newberry (in the Upper Peninsula) on the grounds of an abandoned state mental hospital. The 800-bed Newberry Correctional Facility has been designated an "education prison," and reportedly arose from a goal set by the director of the DOC two years ago that no prisoner lacking a high school diploma leave the correctional system without earning a G.E.D. certificate. According to DOC statistics, as of July

1997, not all correctional facilities had education programs.

Prison building. According to an August 1997 article, "The End of the Prison Boom," in Governing magazine, "in the first half of the 1990s, states added nearly 400,000 prison beds, spent nearly \$15 billion constructing them and put aside increasing amounts of operating funds to run them. Where correction accounted for 5 percent of general-fund spending a decade ago, today it's closer to 7 percent and climbing. All totaled, state prison systems have grown big enough to house, feed and guard a record-setting 1 million inmates -- a number built on prison-population increases that have been averaging close to 8 percent a year for the past 10 years. But as the century comes to a close, there will be fewer and fewer groundbreaking for prisons anywhere. The simplest reason is that the leaders of the boom -- states such as California, Texas, North Carolina, Florida and Virginia -- have spent their allotted capital and are finishing up their five- and, in some cases, 10-year building programs. . . . But there is more to the fall-off than completion of an allotted task. Even states that never really bought into the prison-building boom seem reluctant to commit to much new construction now. . . . [T]he unanimity of will, the almost automatic 'yes' to prison construction that has existed among many lawmakers in recent years, is no longer a given. . . . For all the continued national concern about crime and punishment, incarceration is clearly not the consensus issue that it was in the days when Willie Horton dominated a presidential campaign. Moreover, many of the factors that drove prison building in the early 1990s have either eased off or proved to have been miscalculations in the first place. Many of the states that entered into the prison-building business in a big way during the 1990s were pressured by a combinations of physical and political realities. The war on drugs accelerated a climb in prison population. With overcrowding came lawsuits challenging the conditions of imprisonment. Initially, states tried paroling prisoners early in order to make room for the new crop of inmates. In some states, even violent offenders were let out before they'd served a third of their sentences. Governors and legislators reacted with calls for and enactment of stricter sentencing policies and limits on parole. About a quarter of the states passed laws stipulating that violent felons serve 85 percent of their sentences before becoming eligible for parole. And then, in the widely publicized wave of 'three strikes' legislation that started in 1993, 24 states enacted laws requiring life sentences without the possibility of parole for third-time offenders who commit violent crimes. . . . There is no question that the sentencing changes have had an impact on incarceration rates, which went from 292 per 100,000 U.S. residents in 1990 to 427 in 1996 -- a 46 percent increase. . . . But despite all the forecasts of increased inmate population due to tougher sentencing, prison admissions nationally

are falling off. Although inmate growth had been averaging 8 percent a year earlier in the decade, it was down around 5 percent last year. . . [I]t's becoming clear

that forecasters in many places were a bit off target in guessing how state criminal justice systems would react to new sentencing laws. California, which in 1994 predicted a 250,000-inmate system by the year 2000, is now looking at something closer to 182,000. The reason for the lowered forecast is the three-strikes law: The state overestimated how many felons would be affected. Not only have prosecutors and judges retained more discretion in charging and sentencing than was originally expected, but last summer the California Supreme Court ruled that judges have the power to spare defendants lengthy sentences by overlooking prior convictions. Other state where voters have experienced similar outcomes. . . . And those revisions, in turn, are taking building projects off the drawing boards. They are the crucial reason why states overall added less than half as many prison beds last year as the year before, and why they seem certain to stay on that track for the rest of the century."

opportunity to meet the requirements, or whose elderly age makes future

**FISCAL IMPLICATIONS:**

Fiscal information is not available. (8-22-97)

**ARGUMENTS:**

**For:**

Education is one of the keys to former prisoners' successfully reentering society and finding employment. Studies also have shown that prison schooling also keeps prisoners occupied and more orderly, thereby enhancing institutional control. Classes, like religious activities and recreation, also can make prison life more "normal," thereby easing the eventual transition of prisoners back into society upon their release. A study by an analyst with the Federal Bureau of Prisons further found that the recidivism rate for inmates who successfully completed at least one course a year while imprisoned was about ten percent less than inmates who successfully completed no courses in prison (38.5 percent versus 45.7 percent).

The bill will work to ensure that prisoners in the state correctional system are more orderly while in prison, better equipped educationally to become productive members of society once they are released, and less likely to return to prison, not only making the streets safer but also 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, such as for prisoners who, for whatever reason, do not have the ability or

employment unlikely. And if a prisoner wasn't proficient in English, the DOC would be required to provide him or her with English language training necessary for working toward completion of a G.E.D. Furthermore, the bill would apply only to new prisoners, and not to prisoners currently awaiting parole.

***Against:***

As important as education may be to the rehabilitation of inmates, the bill could restrict the ability of the parole board to offer early release to prisoners with otherwise good prison records could contribute to the perennial problem of prison overcrowding, and could result in an inefficient use of expensive prison space. The scarcity of expensive prison beds, coupled with the fact that there already is a waiting list of prisoners who wish to obtain their G.E.D.s, means that the bill could exacerbate prison overcrowding and could result in nonviolent prisoners without G.E.D.s, who might otherwise qualify for parole, being kept in prison beds needed for violent offenders.

Some people argue that a better approach to promoting education and preventing crime should begin long before a person becomes a resident of the prison system. In addition, programs that encourage the hiring of former prisoners also should be promoted, since former inmates already have a difficult time getting jobs once they've been released, whether or not they have a high school diploma or G.E.D.

***Response:***

While many people might agree that preventive programs -- including ensuring that all of the state's residents are adequately educated, housed, fed, and clothed -- might be the least expensive and most desirable approaches to educating citizens and preventing crime, the fact remains that it often is difficult to persuade people to support such preventive programs instead of paying for more expensive prison programs. Although there does seem to be a slowing of the decade-long prison boom, fueled in large part by the so-called war on drugs and by harsher sentencing laws (see BACKGROUND INFORMATION), the general consensus in recent years that traditional welfare and education programs need to be abolished or radically changed also means that there is a great deal of uncertainty about what will replace these programs and what effect these new programs will have on prison populations, among other things.

***POSITIONS:***

The Department of Corrections supports the bill. (8-20-97)

The Michigan Council on Crime and Delinquency supports the concept of the bill but would oppose prisoners being denied parole if the DOC were unable to provide the necessary educational programs. (8-20-97)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.