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**SFA****BILL ANALYSIS**

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Senate Bill 88 (as introduced 1-28-97)  
Sponsor: Senator Christopher D. Dingell  
Committee: Judiciary

Date Completed: 2-11-97

### **CONTENT**

The bill would amend the Department of Corrections (DOC) law to require that an order of parole contain a condition requiring that the parolee abstain completely from using alcohol or controlled substances, except by prescription, and that the parolee undergo periodic drug and alcohol testing.

Under the bill, the conditions of parole also would have to require that, if the parolee tested positive for alcohol or a controlled substance without a prescription, the parolee immediately be tested again to confirm the presence of alcohol or controlled substances. If the confirming test showed the presence of alcohol or a controlled substance without a prescription, the parolee would have to be returned immediately to a State correctional facility and the order of parole would have to be revoked.

The DOC law allows the Department's deputy director of the Bureau of Field Services, upon a showing of probable violation of parole, to issue a warrant for the return of any paroled prisoner. Under the bill, the deputy director immediately would have to issue a warrant for the return of any paroled prisoner upon being informed that the parolee had tested positive for controlled substances or alcohol in violation of the bill's required parole condition.

MCL 791.236 & 791.238

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill could result in increased costs for the Department of Corrections.

There are currently approximately 12,000 individuals on parole, the result of approximately 10,000 prisoner paroles each year. There are also roughly 2,500 admissions to prison each year for parolees who are returned for a technical violation of parole. While a positive drug test is considered a technical violation of parole, and therefore subject to parole revocation, there is no information on how many of the 2,500 technical returns to prison are for first-time substance abuse violations.

Current drug test results indicate that roughly 25% of those parolees tested, test positive for substance abuse use. If one assumed that 25% of all current 12,000 parolees would be tested and subsequently test positive and be returned to prison, then prison admissions could immediately increase by 3,000. In addition, throughout the year, 10,000 new parolees would be tested, and assuming a 25% positive rate, 2,500 would be returned to prison. If one assumed that 20% (500) of the current technical violator returns each year are already being returned for a first-time positive drug or alcohol test, one might expect an increase in prison admissions of roughly 5,000 additional

parole violators by the end of the first year, and an additional 2,000 parole violator returns in subsequent years. If one assumes that these parolees spend an additional one year in prison, and then are again granted parole, annual costs for incarcerating these additional 5,000 parolees would increase by approximately \$100.0 million in the first year, and roughly \$40.0 million in subsequent years.

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.