

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 298 (as introduced 2-11-99)
Sponsor: Senator Leon Stille
Committee: Judiciary

Date Completed: 2-23-99

CONTENT

The bill would amend the Department of Corrections (DOC) law to revise the parole interview schedule for prisoners sentenced to imprisonment for life and remove a prisoner's ability to appeal an action of the parole board in granting or denying parole.

"Lifer" Parole Interviews

Under the DOC law, a prisoner sentenced to imprisonment for life or to a term of years, other than a prisoner sentenced to life for first-degree murder or to life for an explosives offense resulting in death, is subject to the jurisdiction of the parole board after serving either 10 or 15 calendar years for most crimes, or after serving 15-20 years for manufacturing, delivering, or possessing with intent to deliver 650 grams or more of a mixture containing a Schedule 1 or 2 narcotic or cocaine. (A prisoner sentenced for a crime committed before October 1, 1992, comes under the parole board's jurisdiction after having served 10 calendar years; a prisoner sentenced for manufacturing, delivering, or possessing with intent to deliver 650 grams or more of a mixture containing a Schedule 1 or 2 narcotic or cocaine comes under the parole board's jurisdiction after having served 15-20 calendar years, depending on other convictions for serious crimes and cooperation with law enforcement; and a prisoner sentenced for any other crime committed on or after October 1, 1992, comes under the parole board's jurisdiction after having served 15 calendar years.)

The DOC law requires that one member of the parole board interview a prisoner at the conclusion of 10 years of the sentence and every five years after that until the prisoner is paroled, discharged, or deceased. Under the bill, subsequent interviews by a parole board member, after the initial 10-year interview, would have to be held "as determined by the parole board" rather than every five years.

In addition, subject to the Governor's constitutional authority to grant reprieves, commutations, and pardons, the DOC law requires that one member of the parole board interview a prisoner serving a sentence for first-degree murder (which is not parolable) or a sentence of imprisonment for life without parole at the conclusion of 10 calendar years and thereafter as determined appropriate by the parole board, but not later than every five years, until the prisoner is granted a reprieve, commutation, or pardon by the Governor or is deceased. The bill would delete the requirement that subsequent interviews, after the initial 10-year interview, be not later than every five years.

Parole Appeals

The DOC law provides that a prisoner's release on parole is discretionary with the parole board and that an action of the board in granting or denying a parole is appealable by the prisoner, the prosecutor of the county from which the prisoner was committed to the DOC's jurisdiction, or the victim of the crime for which the prisoner was convicted. The bill would delete the prisoner from the list of people who may appeal a parole decision.

MCL 791.234 & 791.244

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 298 would have an indeterminate fiscal impact on State and local government.

To the extent that changes in prison population reflect the interaction of admissions and exits and that parole is the primary means of prison exit, adjustments to parole policy and practice could lead to increases or decreases in the prison population. Increases in prison population could lead to increased facility and operating costs; decreasing population would reduce these costs.

Based on data from the Department of Corrections for 1996, there were 3,811 prisoners in prison with a life sentence as their minimum term of incarceration. Table 1 shows the number of prisoners with life minimum sentences interviewed for parole who were granted parole or commutation of sentence from 1994 to 1998.

Calendar Year	Interviewed	Granted Parole	Commuted Sentence
1994	273	14	0
1995	198	3	0
1996	376	0	3
1997	625	4	0
1998	470	5	1

To the extent that the parole board would have discretion for scheduling subsequent parole hearings, parole board efficiency could increase or decrease, thereby increasing or reducing parole board costs. In FY 1998-99, the appropriation for the parole board operations is \$1,399,000 for a staff of 22.0 FTEs. There is no indication that parole board costs would fluctuate based on the number of parole decisions.

Fiscal Analyst: K. Firestone