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SFA**BILL ANALYSIS**

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House Bill 4624 (Substitute H-2 as reported without amendment)
Sponsor: Representative Scott Shackleton
House Committee: Criminal Law and Corrections
Senate Committee: Judiciary

CONTENT

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

Under the DOC law, a prisoner sentenced to parolable life or for a term of years is subject to the jurisdiction of the parole board after serving 10 to 20 calendar years, depending on the date and type of offense. The DOC law requires that one member of the parole board interview a prisoner after 10 years and every five years after that until the prisoner is paroled, discharged, or deceased. The bill would require subsequent interviews of those serving a parolable life sentence to be held "as determined appropriate by the parole board" rather than every five years. The bill also would delete reference to prisoners serving "a term of years" (which evidently applies to prisoners who have been sentenced to indeterminate terms of imprisonment and are not eligible for parole until having served their minimum sentence minus disciplinary credits earned).

The bill would require that a prisoner be given written notice of the interview at least 30 days before the interview. The bill provides that a prisoner could be represented at the interview by a person of his or her choice, although a prisoner's representative could not be another prisoner. A prisoner would not be entitled to appointed counsel at public expense. The prisoner or the prisoner's representative could present relevant evidence in favor of holding a public hearing, as the DOC law requires for a decision to grant parole.

The bill also would require that the parole board review a prisoner's file after 15 calendar years of his or her sentence and every five years after that until the prisoner was paroled, discharged, or deceased. A prisoner whose file was to be reviewed would have to be notified at least 30 days before the review and allowed to submit written statements or documentary evidence for the board's consideration in conducting the file review.

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 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. The bill would delete the requirement that subsequent interviews, after the initial 10-year interview, be not later than every five years.

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 convicted, or the victim of the crime. The bill would delete the prisoner from the list of people who may appeal a parole decision, and would allow an appeal to an action of the board in granting, but not denying, parole.

MCL 791.234 & 791.244

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill 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 lower these costs. Based on data from the Department of Corrections, it

appears that prisoners serving life sentences have a very low probability of parole. To determine if the proposed legislation would further lower the probability of parole, current trends of paroles granted by the parole board were reviewed. As illustrated in Table 1, the parole board has been less willing to grant parole on subsequent parole attempts than its predecessor board had been.

Table 1

Attempt at Parole	Historic Grant Rate	Current Grant Rate
1	49.2%	53.7%
2	41.5%	29.7%
3	41.4%	20.3%
4	28.5%	14.8%
5	20.0%	10.5%
Source: Austin, Ph.D., James and Naro, Wendy, "Michigan Sentencing Commission Proposed Guidelines/Truth-in-Sentencing Prison Population Impact Assessment", November 10, 1997, p. 6.		

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. Fiscal year 1999-2000 appropriations for parole board operations are \$1,591,000.

Date Completed: 11-9-99

Fiscal Analyst: K. Firestone