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SFA**BILL ANALYSIS**

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House Bill 4624 (Substitute H-2 as passed by the House)
Sponsor: Representative Scott Shackleton
House Committee: Criminal Law and Corrections
Senate Committee: Judiciary

Date Completed: 10-19-99

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.

"Lifer" Parole Interviews

Under the DOC law, a prisoner sentenced to imprisonment for life or for a term of years, other than a prisoner sentenced to life for first-degree murder or for a bombing offense, is subject to the jurisdiction of the parole board after serving 10 to 20 calendar years. (Generally, 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 a crime committed on or after October 1, 1992, comes under the parole board's jurisdiction after having served 15 calendar years. A prisoner sentenced for a major controlled substance offense may come under the parole board's jurisdiction after 17½ or 20 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 appropriate by the parole board" rather than every five years. Also, the bill would require that a prisoner be given written notice, at least 30 days before the interview, that the interview would be conducted. In addition, the bill provides that a prisoner could be represented at the interview by a person of his or her choice. A prisoner's representative could not be another prisoner, however, and a prisoner would not be entitled to appointed counsel at public expense. At the interview, 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.

In addition to revising the interview schedule, the bill 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 under this schedule 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 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, 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 decrease these costs. Based on data from the Department of Corrections, it appears that prisoners serving life sentences have 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.

Fiscal Analyst: K. Firestone

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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.