

# Legislative Analysis

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## PAROLE REVOCATION

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### House Bill 5967

**Sponsor: Rep. Richard Ball**

**Committee: Judiciary**

**Complete to 5-16-06**

## A SUMMARY OF HOUSE BILL 5967 AS INTRODUCED 4-25-06

Under current law, if a paroled person is required to register under provisions of the Sex Offenders Registry Act and that person willfully violates the act, parole must be rescinded. The same is true for a person paroled for certain drug offenses who violates certain provisions of the Public Health Code. Generally speaking, if a parole is rescinded, the parolee is returned to prison. However, the Corrections Code also requires that before a parole is rescinded, an interview must be conducted with the parolee by one member of the parole board. The rescission interview must be conducted within 45 days after the board receives new information.

House Bill 5967 would amend the Corrections Code to delete the current language described above and instead revoke parole and return a parolee to prison; a fact-finding hearing on the charges would be held after the person was returned to prison.

Specifically, the bill would require the parole board to revoke the parole of a person required to register under the Sex Offenders Registry Act who willfully violated that act. Also, the parole of a person would have to be revoked if that person had been convicted of violating or conspiring to violate certain sections of the Public Health Code involving the manufacture, delivery, or possession of 450 grams or more of Schedule 1 or 2 drugs, cocaine, or controlled substances or controlled substance analogues and, while on parole, violated or conspired to violate Article 7 of the Public Health Code and that violation or conspiracy to violate was punishable by imprisonment for four or more years, or the parolee committed a violent felony.

Current provisions requiring a fact-finding hearing on the charges to be conducted before a member of the parole board within 45 days of a parolee's return to prison would then apply.

Also, under current law, a parolee arrested for an alleged violation of parole is entitled, within 10 days after the arrest, to either 1) a preliminary hearing to determine whether there is probable cause to believe that the conditions of parole have been violated or 2) a fact-finding hearing as described above. The bill would require the director of the Michigan Department of Corrections (MDOC) to be notified in writing if the preliminary parole violation hearing was not conducted within the 10-day time limit; the hearing would then have to be conducted as soon as possible. Similarly, the director would have to be notified if the fact-finding hearing was not conducted within the 45-day time limit,

and the hearing would have to be conducted as soon as possible. A parolee could not be released pending disposition of either hearing.

Furthermore, the bill would define "violent felony" to mean that term as defined in Section 36 of the code. The bill also would make several changes that are editorial in nature.

MCL 791.236 and 791.240a

**FISCAL IMPACT:**

The bill could increase costs for the Department of Corrections; any fiscal impact would depend on how many parolees had parole revoked and how long they were returned to prison following revocation. There are no data to indicate how many parolees might fall under the bill's parole revocation provisions. The bill's requirement that a parole violator held in custody continue to be held pending disposition of a violation hearing is a reflection of current policy, and thus would not have any fiscal implications.

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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.