

Legislative Analysis



CONSENT TO SEARCH: REQUIRE IN PAROLE ORDER

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1315 (with Senate amendments)

Sponsor: Sen. John Proos

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 12-11-12

A SUMMARY OF SENATE BILL 1315 AS PASSED BY THE SENATE 11-29-12

The bill would require a parolee, as part of a parole order, to provide written consent for a warrantless search, but would not authorize a search intended to intimidate or harass.

A parole order contains the conditions of the parole. Some parole conditions are mandated for all parolees while other conditions may attach depending on the offense. For instance, a parole order may include a requirement to pay court-ordered restitution, payment of various fees including parole supervision fees, and/or for GPS monitoring.

Senate Bill 1315 would amend the Corrections Code (MCL 791.236) to require that the parole order require the parolee to provide written consent before being released on parole to submit to a search of person or property upon demand by a peace officer or parole officer. The written consent would have to include the prisoner's name, date of birth, physical description, parole release date, and ending date of the parole. The Department of Corrections would have to promptly enter this condition of parole into the department's management information system or offender management network information system or into a corresponding records management system that is accessible through the Law Enforcement Information Network (LEIN).

Consent to a search under the bill's requirement would not authorize a search that was conducted with the intent to intimidate or harass a parolee.

FISCAL IMPACT:

The bill could impose administrative costs on the Department of Corrections related to generating the consent form and making it accessible through the Law Enforcement Information Network (LEIN). Any cost increase should be negligible.

Legislative Analyst: Susan Stutzky

Fiscal Analyst: Bob Schneider

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