

Legislative Analysis



PAROLE NOTICES: REVISE

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House Bill 4703 and 4704

Sponsor: Rep. Paul Scott

Committee: Judiciary

Complete to 6-8-11

A SUMMARY OF HOUSE BILLS 4703 AND 4704 AS INTRODUCED 6-1-11

House Bill 4703 would require notice of a parole order to be sent to the prosecutor for the county in which the prisoner was convicted and to the prosecutor for the county to which the paroled prisoner is sent. House Bill 4704 would require notice to be sent to the prosecuting attorney in each county in which a prisoner was convicted prior to the prisoner's parole interview.

House Bill 4703 would amend the Corrections Code (MCL 791.236). Currently, written notice of a parole order must be given to the sheriff or police officer of the municipality or county in which the prisoner was convicted and also to those in the county to which the prisoner is sent.

The bill would make the following changes:

- Require the notice to be sent by first-class mail or electronically;
- Include the county prosecutor in the list of persons a notice of a parole order is to be sent; and,
- Require the notice to be provided within 10 days after the parole board issues its order to parole the prisoner.

House Bill 4704 would amend a different section of the Corrections Code (MCL 791.35). As part of the parole process, a prisoner has an interview with a member or members of the parole board. The parole board may grant a parole without interviewing a prisoner if the prisoner is determined to have a high probability of being paroled and the parole board therefore intends to grant the parole. (A public hearing must be scheduled for persons sentenced to life imprisonment.)

The bill would require that not later than 42 days before a prisoner's parole interview, the Department of Corrections (DOC) send written notice by first-class mail or by electronic means to the prosecuting attorney for each county in which the prisoner was convicted. The notice would have to state the prisoner's name, the location and time of the scheduled interview, and any other information necessary for the prosecuting attorney to appear at the hearing to make a statement to the parole board or to submit a statement for consideration by the board.

If the DOC proposes to place a prisoner on parole without being interviewed, the DOC would have to send written notice of the proposed parole by first-class mail or electronically to the prosecuting attorney for each county in which the prisoner was convicted, not later than 42 days before the proposed parole date. The prosecuting attorney could submit a statement to the parole board providing reasons for objecting to the proposed parole. If such a statement was submitted, the parole board would be required to either deny the parole or conduct an interview with the prisoner following the notice requirements described above.

FISCAL IMPACT:

The bills revise current notification requirements for parole orders, for grants of parole without a parole interview, and for the conduct of parole interviews. These provisions would, among other things, change the process through which the Parole Board could place a prisoner on parole without conducting a parole interviews. House Bill 4704 would require the Parole Board to either deny parole or conduct a parole interview in cases where the prosecuting attorney objects to the proposed parole after receiving the required notice. This provision and the new noticing provisions in general have the potential to increase workload slightly within the Parole Board and the Department of Corrections. However, any new costs related to the added workload are likely to be modest and met out of existing resources.

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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.