

Legislative Analysis



CORRECTIONS CODE REVISIONS

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Senate Bill 939 as passed by the Senate
Sponsor: Sen. Mike Nofs

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 947 as passed by the Senate
Sponsor: Sen. Dave Robertson

House Committee: Criminal Justice
Senate Committee: Michigan Competitiveness
Complete to 11-27-16

SUMMARY:

Senate Bill 939 requires the Department of Corrections to submit a quarterly report to the Legislature on the number of prisoners eligible for parole but who have not been granted parole.

Senate Bill 947 replaces references to a "general education development" certificate with a "high school equivalency" certificate.

Both bills will take effect 90 days after enactment. The bills are part of a larger legislative initiative regarding corrections; other bills in the package are Senate Bills 932-938, 940-946, 948, 974, and 975. A detailed description of the bills follows.

Senate Bill 939 adds a new section to the Corrections Code (MCL 791.231b). Under provisions of the Code, a prisoner becomes eligible for parole after completing the minimum sentence. Parole is not automatic, and not every person eligible for parole is granted parole by the Parole Board. The term "earliest release date," or ERD, is often used to refer to when a prisoner becomes eligible for parole.

The bill will require the Department of Corrections (DOC) to submit a quarterly report to the Senate and House committees responsible for legislation concerning corrections issues detailing the number of prisoners who have reached their ERD but who have not been granted parole. The parole must categorize the total number of parole denials by the number of prisoners denied parole for the following reason or reasons:

- The nature and circumstances of the offense for which the prisoner is incarcerated at the time of the parole consideration.
- The prisoner's institutional program performance, including whether or not the prisoner completed all required programming.
- The prisoner's institutional conduct, including the number of major misconduct charges for which the prisoner has been found guilty and security classification increases over the previous five years and the year immediately before parole consideration.

- The prisoner's prior record. (That term means the recorded criminal history of a prisoner and includes all misdemeanor and felony convictions, probation violations, juvenile adjudications for acts that would have been crimes if committed by an adult, parole failures, and delayed sentences.)
- Other relevant factors under the parole guidelines under Section 33e of the Code considered by the Parole Board in denying parole.

Senate Bill 947 also amends the Correction Code (791.233 and 791.234d). To be eligible for parole, any prisoner with a minimum sentence of at least two years must have a general education development (GED) certificate. The DOC must also provide certain documents to a prisoner when that prisoner is released from incarceration. The required documentation includes whether the prisoner obtained a GED or other educational degree while incarcerated.

The bill replaces references to a general education degree certificate with the term "high school equivalency certificate."

FISCAL IMPACT:

Senate Bill 939 would have no fiscal impact on the state or on local units of government. The Department of Corrections currently reports on the numbers of prisoners classified as past their earliest release dates, on parole board activities, on outcomes of parole reviews, and other parole and denial of parole-related data. The department could include the additional data required by SB 939 in quarterly reports by the department using existing appropriations.

Senate Bill 947 would have no fiscal impact on the state or on local units of government.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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