

Legislative Analysis



EARLIEST RELEASE DATE FOR PRISONERS: REPORT SENT TO LEGISLATIVE COMMITTEES

Phone: (517) 373-8080
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Senate Bill 10 (reported from House committee as H-1)

Sponsor: Sen. Margaret E. O'Brien

House Committee: Michigan Competitiveness

Senate Committee: Michigan Competitiveness

Complete to 3-7-17

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

(Enacted as Public Act 7 of 2017)

BRIEF SUMMARY: Senate Bill 10 would require the Department of Corrections (DOC) to submit a quarterly report to the Legislature on the number of prisoners eligible for parole but who have not been granted parole.

FISCAL IMPACT: As introduced, Senate Bill 10 would have no fiscal impact on the state or on local units of government. The report required under the bill is similar to a report currently required of the department under the annual appropriations act. The department would produce the report using existing appropriations.

THE CONTENT OF THE BILL:

Senate Bill 10 would add a new section to the Corrections Code (proposed MCL 791.231b). The bill would require the 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 earliest possible release on parole date but who have not been granted parole. The report must categorize the total number of parole denials by the number of prisoners denied parole for each of the following 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 criminal record and pending criminal charges or detainers. ("Prior criminal record" is defined as 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.)
- Whether the prisoner was previously granted parole and had parole revoked.
- Whether the prisoner was identified in the federal Combined DNA Index System (CODIS) and linked to an unsolved criminal violation.
- Other relevant factors under the parole guidelines.

BACKGROUND INFORMATION:

Under provisions of the Corrections Code, a prisoner becomes eligible for parole after completing the minimum sentence imposed by the court. 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.

ARGUMENTS:

For:

The report would allow policymakers to be better informed of the parole board's decisions, and to potentially identify programs and services that prepare inmates for parole. With more access to information, legislators would be able to provide direction and appropriations to the DOC that would continue to drive success, both in public safety and prison population, in the parole process.

Neutral:

While the bill requires information be sent to the appropriate legislative committees, there is no requirement to *act* in any way on the information. In the last legislative session, HB 4138 required similar reporting on parole denials to the legislative committees, but also introduced the concept of "presumptive parole," meaning that, absent certain reasons to do otherwise, a prisoner with a "high probability of parole" score would be released upon serving the minimum sentence. It is unclear whether, under SB 10, the legislative committees will take any action after receiving the report described.

Neutral:

Boilerplate Section 422 of the FY 2016-2017 DOC appropriations act already requires the DOC to provide a report to, among others, the Senate and House appropriations subcommittees on corrections that contains nearly identical information. The phrase "the Senate and House committees responsible for legislation concerning corrections issues" could simply be added to the list of recipient organizations in the budget bill.

POSITIONS:

Representatives of the following organizations indicated support for the bill:

- Michigan Sheriffs Association (3-1-17, 2-8-17)
- The Office of the Attorney General (3-1-17)
- Grand Rapids Chamber (3-1-17)
- Michigan Catholic Conference (2-8-17)
- Goodwill Industries of Greater Detroit (2-8-17)
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A representative of the Citizens Alliance on Prisons and Public Spending indicated a neutral position on the bill. (3-1-17)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.