

# Legislative Analysis

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## CORRECTIONS CODE REVISIONS

Phone: (517) 373-8080

<http://www.house.mi.gov/hfa>

**Senate Bill 10 as passed by the Senate**  
**Sponsor: Sen. Margaret E. O'Brien**

Analysis available at

<http://www.legislature.mi.gov>

**Senate Bill 20 as passed by the Senate**  
**Sponsor: Sen. Dave Robertson**

**House Committee: Michigan Competitiveness**

**Senate Committee: Michigan Competitiveness**

**Complete to 2-6-17**

## REVISED SUMMARY:

Senate Bill 10 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 20 amends the Corrections Code to replace references to a "general education development" certificate with a "high school equivalency" certificate.

The bills will take effect 90 days after enactment. They are part of a larger legislative initiative regarding corrections; other bills in the package are Senate Bills 5-24 and Senate Bill 50. A detailed description of the bills follows.

**Senate Bill 10** 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 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. (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 20** amends the Corrections Code (791.233 and 791.234d). To be eligible for parole, any prisoner with a minimum sentence of at least two years must have either earned a high school diploma or 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 all references to a "general education development" certificate with the term "high school equivalency certificate."

#### **FISCAL IMPACT:**

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.

Senate Bill 20 would have no fiscal impact on the state or on local units of government.

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