

## **EXPEDITED CLEMENCY PROCESS BASED ON MEDICAL CONDITION**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 12 (S-1) as passed by the Senate**  
**Sponsor: Sen. Rick Jones**  
**House Committee: Michigan Competitiveness**  
**Senate Committee: Michigan Competitiveness**  
**Complete to 2-6-17**

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

### **SUMMARY:**

The bill creates an expedited, or shortened, process for the review and hearing process for a reprieve, commutation, or pardon based on the medical condition of a prisoner. Initiation of the expedited process must be by request from the governor.

Currently, the Michigan parole board may initiate a reprieve, commutation (e.g., reduction in sentence), or pardon. A current or former inmate may also file an application. The process is lengthy and can take at least a year, if not longer, to complete the many steps are required by statute before a formal recommendation by the parole board is sent to the governor.

Senate Bill 12 adds a new section to the Corrections Code to allow the governor to request the parole board to expedite the review and hearing process for a reprieve, commutation, or pardon based in part on a prisoner's medical condition. The process is identical to the process used currently for requesting a reprieve, commutation, or pardon with the exception that some of the time frames have been reduced, as noted below:

- Not more than 10 days (instead of 60 days) after receipt of an application, the parole board would be required to conduct a review to determine whether the application for a reprieve, commutation, or pardon has merit. The board's determination, along with a copy of the original application or the documentation of the board's initiation, is then delivered to the governor.
- Within 5 days (instead of 10) after initiation or the determination of merit, the parole board would have to provide notice to the sentencing judge and to the prosecuting attorney of the county having original jurisdiction of the case, or their successors of the application or initiation. The time period allowed for the judge or prosecutor to respond to the notice would be the same as currently provided for the process—30 days.
- Not more than 90 days (instead of 270) after initiation by the parole board or receipt of the application deemed to have merit, the board must make a full investigation and determination whether or not to proceed to a public hearing. Time periods provided for the public hearing process are the same as currently provided for the

process—holding the public hearing within 90 days after making the decision to proceed.

- After the public hearing, the parole board must transmit its final recommendation to the governor along with all data in its files if it recommends the granting of a reprieve, commutation, or pardon; however, neither the bill nor statute specifies a time frame for this part of the process.

The bill takes effect 90 days after enactment.

MCL 791.244 and 791.244a (proposed)

### **FISCAL IMPACT:**

The bill would have no fiscal impact on the state or on local units of government. The bill would expedite the process for reviews and hearings relative to reprieves, commutations, or pardons based in part on prisoners' medical conditions. The process as outlined under the bill would be the same as the current process, but steps in the process would occur in shorter time periods.

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Robin Risko

---

■ 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.