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SFA**BILL ANALYSIS**

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Senate Bill 280 (Substitute S-6 as reported by the Committee of the Whole)

Sponsor: Senator William Van Regenmorter

Committee: Judiciary

CONTENT

The bill would amend the Public Health Code to allow parole eligibility, after 15 years in prison, for prisoners sentenced to life imprisonment for manufacturing, delivering, or possessing with intent to deliver 650 grams or more of a mixture containing a Schedule 1 or 2 narcotic or cocaine, if the person cooperated with law enforcement officials; had no convictions in the previous 10 years for a violent felony or a drug violation punishable by four or more years' imprisonment; and had never organized, maintained, or derived substantial income from an entity that manufactured or delivered five or more kilograms of a controlled substance; and the sentencing judge or the judge's successor did not object to release on parole. The bill specifies that it would not confer a right to any individual to be certified for parole eligibility. The bill also would extend parole eligibility under the proposed cooperation and prior record conditions, after 15 years were served, to a person convicted before the bill's effective date.

In addition, the bill would allow a sentence of not less than 25 years' imprisonment, as an alternative to the required life sentence, for possession of 650 grams or more, and would delete the 25-year minimum alternative sentence currently allowed for a juvenile tried and convicted as an adult for possession of 650 grams or more.

Further, the bill would allow a court to depart from a mandatory minimum sentence for possession of 650 grams or more for "substantial and compelling reason". The bill would retain that departure authority for all offenses involving less than 650 grams, but would delete authorization for a court to depart from a mandatory minimum sentence for a possession offense involving less than 650 grams if the offender is a juvenile tried as an adult and has not been convicted of a felony or assaultive crime.

The bill is tie-barred to Senate Bills 278 and 279, which would provide for the effectiveness of provisions commonly referred to as "truth-in-sentencing" that were enacted in 1994 but whose effective date is tied to the enactment of sentencing guidelines, and to Senate Bill 281, which would amend the Department of Corrections law to provide for the parole of certain drug offenders.

MCL 333.7401 & 333.7403

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 280 (S-6) would have an indeterminate, yet potential cost-saving, fiscal impact on State government, and an indeterminate impact on local government.

To the extent that the bill would increase the likelihood of parole for individuals convicted of delivering 650 or more grams of a narcotic, reduce the minimum sentence for possession of 650 or more grams, and allow judicial departure from the mandatory minimum sentence for possession of 650 grams or more based on substantial and compelling reasons, the cost for the Department of Corrections could decrease.

Current law requires life without parole for individuals convicted of delivering quantities of 650 grams or more of a narcotic. If the conditions described in the bills were met, an individual could become eligible for parole after 15 years. Approximately 160 individuals are currently serving a life sentence for delivery of 650 grams or more. In addition, in 1996, there were nine new commitments for delivery of 650 grams or more. If one assumed that 25% of these convictions would meet the eligibility criteria for parole after 15 years, and that the parole board would in fact grant parole for these individuals (although the parole board data indicate that very few individuals with life sentences are ever paroled), costs after 15 years would begin to decrease. In the long term, costs for the confinement of these offenders could be reduced by approximately \$1.2 million annually, assuming a life sentence equals 50 years.

The bill also would reduce the mandatory minimum sentence for possession of 650 grams or more from mandatory life imprisonment to life imprisonment or 25 years. In 1996, no one was convicted of this crime and one person was convicted in 1995. Assuming that one person was sentenced each year under the new guidelines, that the sentence was for 25 years in prison instead of life, and that a life sentence equals 50 years, the Department of Corrections could reduce costs by an estimated \$375,000 annually, after 25 years.

Date Completed: 10-30-97

Fiscal Analyst: K. Firestone

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