

Legislative Analysis



SPECIAL PAROLE PROVISIONS FOR VIOLENT FELONS AND SUBSTANCE ABUSERS

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House Bill 6275

Sponsor: Rep. David Robertson

Committee: Judiciary

Complete to 9-12-06

A REVISED SUMMARY OF HOUSE BILL 6275 AS INTRODUCED 6-28-06

House Bill 6275 would add a new section to the Corrections Code of 1953 (MCL 791.240) to mandate that parole agents take certain steps to supervise parolees who were convicted of violent felonies or who have a history of substance abuse. In addition, the bill would require the Department of Corrections to prepare an annual report on the number of parolees returned to state correctional facilities for parole violations involving alcohol or drugs.

Violent felons. When a prisoner serving a sentence for conviction of a violent felony is placed on parole, his or her supervisory parole agent would be required to:

- Make a home call within the first 30 days after the prisoner is placed on parole.
- Do a LEIN check at least once each month for that parolee. (LEIN means the Law Enforcement Information Network.)

A list of the crimes to which this section would apply appears at the end of the summary.

Substance abusers. The bill would require prisoners with a history of substance abuse assigned to intensive, maximum, or medium parole supervision to submit to substance abuse testing at least twice a month. "Substance abuse" is defined in the bill as the "taking of alcohol or other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the influence of alcohol or drugs, endangers public health, morals, safety or welfare, or a combination thereof."

Annual report. The bill would require the Department of Corrections to make an annual report to the Legislature by April 1 of each year on the number of parolees who are returned to state correctional facilities during the preceding calendar year for parole violations involving the use of drugs or alcohol and the number of such violations each parolee had before being returned.

Violent felony. The bill incorporates by reference the definition of violent felony found in Section 36 of the Corrections Code (MCL 791.236), which specifies 22 crimes as violent felonies.

MCL 750.82 (felonious assault)
MCL 750.83 (assault with intent to commit murder)
MCL 750.84 (assault with intent to commit great bodily harm less than murder)
MCL 750.86 (assault with intent to maim)
MCL 750.87 (assault with intent to commit a felony not otherwise punished)
MCL 750.88 (unarmed assault with intent to rob and steal)
MCL 750.89 (armed assault with intent to rob and steal)
MCL 750.316 (first degree murder)
MCL 750.317 (second degree murder)
MCL 750.321 (manslaughter)
MCL 750.349 (kidnapping)
MCL 750.349a (prisoner taking person as hostage)
MCL 750.350 (leading, taking, or carrying away a child under the age of 14)
MCL 750.397 (mayhem)
MCL 750.520b (criminal sexual conduct, first degree)
MCL 750.520c (criminal sexual conduct, second degree)
MCL 750.520d (criminal sexual conduct, third degree)
MCL 750.520e (criminal sexual conduct, fourth degree)
MCL 750.520g (assault with intent to commit criminal sexual conduct)
MCL 750.529 (user or possession of a dangerous weapon)
MCL750.529a (carjacking)
MCL 750.530 (using force or violence in course of committing a larceny)

FISCAL IMPACT:

According to the Department of Corrections, the bill would increase departmental costs by roughly \$825,000 annually. The requirement for monthly LEIN checks on offenders on parole for violent felonies is projected to require an additional 5.36 FTEs, or \$536,000 annually. Additional substance abuse testing as required by the bill is projected to increase the department's expenditures for substance abuse tests by \$287,900 annually, exclusive of any additional personnel costs associated with the testing.

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