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Senate Bill 717 (Substitute S-1 as reported)
Senate Bill 718 (Substitute S-1 as reported)
Sponsor: Senator Laura M. Toy (S.B. 717)
 Senator Jud Gilbert, II (S.B. 718)
Committee: Judiciary

CONTENT

Senate Bill 717 (S-1) would amend the Code of Criminal Procedure to exclude from the sentencing guidelines classification for first-degree criminal sexual conduct (CSC) prisoners who were sentenced to life without parole for first-degree CSC involving a victim under 13 of age and a repeat offender at least 17 years old (as Senate Bill 709 (S-3) would require).

Under the sentencing guidelines, first-degree CSC is a Class A felony against a person with a statutory maximum sentence of imprisonment for life. Under the bill, that would apply except as described above. (Offenses for which the penalty is life in prison without possibility of parole are not included in the sentencing guidelines.)

Senate Bill 718 (S-1) would amend the Corrections Code to provide that prisoners sentenced to life without parole for first-degree CSC or for certain other offenses would not be eligible for parole.

Under the Corrections Code, a prisoner sentenced to life imprisonment generally is subject to the jurisdiction of the parole board after either 10 or 15 years, depending on the date of the crime. This provision excludes a prisoner sentenced for life for particular violations, each of which is punishable by life imprisonment without parole; the bill would delete this language.

Under the bill, a prisoner sentenced to imprisonment for life for any of the offenses currently identified, for first-degree CSC punishable by life imprisonment without parole (as Senate Bill 709 (S-3) would require), or for any other violation for which parole eligibility is expressly denied under State law, would not be eligible for parole.

As currently provided, prisoners not eligible for parole would be subject to the interview procedure in Section 44 of the Code. (Under that section, one member of the parole board must interview a prisoner serving a sentence for first-degree murder, or any sentence of imprisonment for life without parole, at the conclusion of 10 calendar years and subsequently as determined appropriate by the parole board. Section 44 also specifies a schedule for the parole board to review a prisoner's case upon its own initiation of, or upon receiving any application for, a reprieve, commutation, or pardon.)

Senate Bills 717 (S-1) and 718 (S-1) are tie-barred to Senate Bill 709.

MCL 777.16y (S.B. 717)
791.234 (S.B. 718)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bills 709 (S-3), 717 (S-1), and 718 (S-1) would have an indeterminate fiscal impact on State government. There are no data to indicate how many offenders would be convicted of criminal sexual conduct in the first degree involving the factors described in Senate Bill 709 (S-3). To the extent that fewer offenders would be paroled or serve less than a life term under the bills, the State would incur increased incarceration costs at an average annual cost of \$30,000. Depending on the age at incarceration, and assuming a life expectancy of 78 years, the total cost of incarceration for each offender sentenced to life without parole could reach \$1.8 million.

Date Completed: 3-22-06

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.