



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1495 (as introduced 11-9-06)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

Date Completed: 11-27-06

CONTENT

The bill would amend the Corrections Code to provide for the appointment of legal counsel for an indigent parolee in a fact-finding hearing on charges of a parole violation.

Under the Code, within 45 days after a paroled prisoner has been returned or is available for return to a State correctional facility because he or she has been accused of a parole violation other than a conviction for a felony or misdemeanor punishable by imprisonment, the parolee is entitled to a fact-finding hearing before one member of the parole board or an attorney hearings officer designated by the chairperson of the parole board. The Code specifies that an accused parolee may be represented by an appointed or retained attorney. Under the bill, the accused parolee could be represented by a retained attorney or an attorney appointed, as described below.

Under the bill, if, before the fact-finding hearing began, the accused parolee alleged that he or she was indigent and requested an attorney to be appointed to represent him or her, the parole board member or attorney hearings officer who would conduct the hearing would have to determine whether the accused was indigent. If the accused parolee were determined to be indigent, the board member or hearings officer would have to appoint an attorney to represent the parolee at the fact-finding hearing. The cost of the appointed attorney would have to be paid from the general operating budget of the Department of Corrections (DOC).

MCL 791.240a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the Department of Corrections. The bill would put into statute policy already practiced by the DOC.

Fiscal Analyst: Lindsay Hollander

S0506\1495sa

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.