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BILL ANALYSIS

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House Bill 5967 (Substitute S-1 as reported)  
Sponsor: Representative Richard Ball  
House Committee: Judiciary  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Corrections Code to prohibit the release of a parolee held in custody pending disposition of a preliminary parole violation hearing or a fact-finding hearing. The bill also would require that the Director of the Department of Corrections (DOC), or a designated deputy director, be notified if a preliminary parole violation hearing or fact-finding hearing were not held in the required time period for that proceeding (10 and 45 days, respectively), and require the hearing to be held as soon as possible.

Under the Code, a parole order may be amended or rescinded at the discretion of the parole board for cause. Under the bill, a parole order could be rescinded at the board's discretion for cause before the prisoner was released on parole. After a prisoner was paroled, his or her parole order would be subject to revocation. A parole order still could be amended at the discretion of the parole board for cause.

The bill also would require revocation, rather than rescission, of parole under certain circumstances. At present, if a paroled prisoner who is required to register under the Sex Offenders Registration Act willfully violates that Act, the parole board must rescind the parole. Parole also must be rescinded if a prisoner convicted of violating or conspiring to violate certain controlled substances prohibitions, is released on parole and either violates or conspires to violate Article 7 of the Public Health Code (which contains controlled substances prohibitions) and the violation is punishable by at least four years' imprisonment, or commits a violent felony during his or her release on parole. Under the bill, parole in those instances would have to be revoked rather than rescinded.

(The Code prohibits parole from being rescinded unless at least one member of the parole board conducts an interview to consider and act upon information received by the board after the original parole release decision. A rescission interview must be conducted within 45 days after the board receives the new information.)

The bill is tie-barred to Senate Bill 1196, which would make similar revisions to the Code.

MCL 791.236 & 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 policies already adopted by the DOC.

Date Completed: 6-28-06

Fiscal Analyst: Lindsay Hollander