

Legislative Analysis



PAROLE NOTICES: PROVIDE TO PROSECUTORS

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House Bill 4703 as introduced

Sponsor: Rep. Paul Scott

Committee: Judiciary

First Analysis (6-14-11)

BRIEF SUMMARY: The bill would require notice of a parole order to be sent to the prosecutor for the county in which the prisoner was convicted and to the prosecutor for the county to which the paroled prisoner is sent.

FISCAL IMPACT: The bill revises current notification requirements for parole orders. The new noticing provision in general has the potential to increase workload slightly within the Parole Board and the Department of Corrections. However, any new costs related to the added workload are likely to be modest and met out of existing resources.

THE APPARENT PROBLEM:

Currently, when the parole board issues an order of parole for a prisoner, written notice of that order must be given by the Department of Corrections (DOC) to the sheriff or other police officer of the municipality or county in which the prisoner was convicted and to those officials in the county to which the prisoner is sent once released from prison. Some in law enforcement, as well as victims, say that prosecutors should also be notified. The victim advocates who work in county prosecutor offices work closely with victims immediately after a crime takes place and throughout the investigation and prosecution process. When victims want to inquire about the status of the prisoner who victimized them, they generally call their county prosecutor or the victim advocates.

Under the William Van Regenmorter Crime Victims' Rights Act, the DOC is required to notify any victim who registers with the department about certain events involving the prisoner, including when an order of parole has been issued. However, there have been reports by victims that they did not know a prisoner had been released until they saw the person on the street or heard in some other way. This can be very stressful, frightening, and in some instances, potentially dangerous. If the prosecutor's office that prosecuted the crime was also notified of an impending release of a prisoner, the prosecutor or a victim's advocate could relay that information to the victim or victims, thus acting as a redundancy that could promote public safety.

In addition, it has been reported that some law enforcement officials who already are required to be notified of parole releases don't get that information until just before or even months after the parole date. Some feel that law enforcement officers and prosecutors need more timely notification in order to prepare for the reintegration of prisoners and ensure the safety and success of that reentry.

THE CONTENT OF THE BILL:

House Bill 4703 would amend the Corrections Code (MCL 791.236). Currently, written notice of a parole order must be given to the sheriff or police officer of the municipality or county in which the prisoner was convicted and also to those in the county to which the prisoner is sent.

The bill would make the following changes:

- Require the notice to be sent by first-class mail or electronically;
- Include the county prosecutor in the list of persons to whom a notice of a parole order is to be sent; and,
- Require the notice to be provided within 10 days after the parole board issues its order to parole the prisoner.

ARGUMENTS:

For:

Some victims who registered with the Department of Corrections to receive notice when the prisoner who victimized them was about to be paroled never received those notices. Meanwhile, the prosecutors who prosecuted these cases are not notified of an impending parole either, even though victims often stay in contact with prosecutors' offices and call on occasion to see if the prosecutor has heard whether a prisoner has been released. It has been suggested that prosecutors should also be notified of impending parole releases for those they have put in prison, as well as those to whose jurisdictions prisoners will be moving after release on parole. In case notification to a victim was overlooked or lost, the prosecutor involved in the case or the victims' advocates within the prosecutors' offices could (though not mandated to do so) act as a backup system by virtue of the fact that many of these offices maintain contact with the victims throughout the investigation, adjudication, and even incarceration periods. Should a victim call and ask about a prisoner's status, the prosecutor or staff would be prepared to give an answer.

Further, it is reported that some law enforcement officials required to be noticed about impending paroles do not get the notices in a timely fashion – with some coming days, weeks, or even months after a prisoner's release. Though many parolees conduct themselves responsibly and reintegrate back into the community successfully, some don't. If there are any legitimate public safety concerns surrounding a particular prisoner, timely notification to sheriffs, police officers, and prosecutors will enable these officials to take any steps necessary to ensure public safety, including the safety of the parolee associated with a highly publicized crime.

POSITIONS:

A representative of the Prosecuting Attorneys Association of Michigan (PAAM) testified in support of the bill. (6-9-11)

The Office of Attorney General indicated support for the bill. (6-9-11)

The Department of Corrections does not have a position at this time. (6-9-11)

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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.