



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 1214 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Corrections Code to allow the State Attorney General to appeal a parole board decision granting parole, and specify a standard of review for a parole board decision granting parole.

Under the Code, except for a prisoner placed on parole after completing a special alternative incarceration ("boot camp") program, a prisoner's release on parole is discretionary with the parole board. An action of the parole board in granting parole can be appealed by the prosecutor of the county from which the prisoner was committed or the victim of the crime for which the prisoner was convicted. The bill also would authorize appeal by the State Attorney General.

The bill specifies that review of the decision to release a prisoner on parole would have to be under an abuse-of-discretion standard. The standard would have to consider whether the parole board's determination fell outside of a principled range of outcomes.

MCL 791.234

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

By authorizing the Attorney General's Office to appeal a grant of parole, the bill could cause the State to incur costs in the following ways:

1. The Attorney General's Office could incur staff costs associated with appealing paroles and/or reviewing cases to consider appealing. These staff costs may not require additional funding, but could require the reallocation of time from other tasks.
2. The Department could incur additional costs related to defending parole board decisions. These costs would be in the form of reimbursement from the Department of Corrections to the Attorney General, which defends all State departments in legal matters.
3. To the extent that any of the appeals were successful in reversing the decision to grant parole, the State could incur marginally increased costs of incarceration relative to the status quo. Even if the appeal were unsuccessful, the inmate would remain incarcerated during the appeals process, so unsuccessful appeals also have the potential to lengthen sentences and thereby increase corrections costs.

The extent of the costs would be contingent upon the frequency with which the Attorney General's Office chose to exercise the authority to appeal.

Date Completed: 9-12-12

Fiscal Analyst: Dan O'Connor