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## BILL ANALYSIS



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House Bill 5273 (Substitute H-1 as passed by the House)  
Sponsor: Representative Dave Pagel  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 7-11-16

**CONTENT**

**The bill would amend the Corrections Code to remove a provision under which a person sentenced to life in prison may not be granted parole if the successor to the sentencing judge files written objections when a parole hearing is scheduled.**

Under the Code, a person sentenced to imprisonment for life, other than for an offense requiring a sentence of life without parole, is subject to the jurisdiction of the parole board and may be placed on parole after serving a minimum amount of time, which varies between 10 and 20 years depending on the date of the crime, the violation committed, and the prisoner's cooperation with law enforcement. (Please see **BACKGROUND** for a description of parole eligibility for prisoners sentenced to imprisonment for life.)

Parole granted to a person sentenced to life imprisonment is subject to certain conditions. Among those conditions is that a decision to grant or deny parole may not be made until after a public hearing held in the manner prescribed in the Code for pardons and commutations. Notice of the public hearing must be given to the sentencing judge, or the judge's successor in office. Parole may not be granted if the sentencing judge, or the judge's successor, files written objections to the granting of parole within 30 days of receiving the notice of hearing.

Under the bill, parole could not be granted if the sentencing judge filed written objections within 30 days of receiving the notice, but the sentencing judge's objections would bar parole only if he or she were still in office in the court before which the prisoner was convicted and sentenced. The sentencing judge's successor in office could file written objections to parole, but his or her objections would not bar the granting of parole.

The bill would take effect 90 days after its enactment.

MCL 791.234

**BACKGROUND****Life Sentence without Eligibility for Parole**

Under the Corrections Code, a person sentenced to imprisonment for life for any of the following is not eligible for parole:

- First-degree murder.
- Adulterating, misbranding, removing, or substituting a drug or medicine, rendering it injurious to health, or selling, possessing for sale, or manufacturing for sale such a drug or medicine, with the intent to kill or to cause serious impairment to two or more people, resulting in death.

- Knowingly or recklessly mixing a drug or medicine with an ingredient or material, injuriously affecting its quality or potency, or selling, possessing for sale, or manufacturing for sale such a drug or medicine, with the intent to kill or cause serious impairment to two or more people, resulting in death.
- A violation of Chapter 33 (Explosives and Bombs, and Harmful Devices) of the Michigan Penal Code.
- First-degree criminal sexual conduct (CSC) committed by a person 18 years of age or older against a child who was under 13 years old, if the person was previously convicted of CSC against a person under 13.
- Any other violation for which parole eligibility is expressly denied under State law.

#### Life Sentence with Eligibility for Parole

A prisoner sentenced to imprisonment for life, other than a prisoner convicted of an offense described above, is subject to the jurisdiction of the parole board and may be placed on parole if he or she meets any of the following criteria:

- Except as provided below, the prisoner has served 10 calendar years of the sentence for a crime committed before October 1, 1992, or has served 15 calendar years of the sentence for a crime committed on or after that date.
- Except as otherwise provided in Section 34(12) of the Code, the prisoner has served 20 calendar years of a sentence for committing, or attempting or conspiring to commit, a particular drug offense, and has another conviction for a serious crime (as defined in the Code).
- Except as otherwise provided in Section 34(12) of the Code, the prisoner has served 17.5 calendar years of the sentence for committing, or attempting or conspiring to commit, a particular drug offense, and does not have another conviction for a serious crime.

(The drug offense referred to in second and third criteria above is manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver a Schedule 1 or 2 controlled substance that is a narcotic drug or cocaine.)

Section 34(12) allows parole eligibility for those drug offenders 2.5 years earlier than the time otherwise indicated, if the sentencing judge or the judge's successor in office determines on the record that the prisoner has cooperated with law enforcement.)

Legislative Analyst: Patrick Affholter

#### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the State and no fiscal impact on local government. By removing one barrier to parole for parolable lifers, the bill could result in more inmates being granted parole, although the additional number is unknown. Lifers who are paroled must be placed on parole for at least four years, and the average cost to supervise a parolee is approximately \$5,260 per year. For any decrease in prisoners, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the reduced number of prisoners reduced the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year.

Fiscal Analyst: Ryan Bergan

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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.