

Legislative Analysis



FREQUENCY OF CERTAIN PAROLE REVIEWS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4562 (proposed substitute H-3)
Sponsor: Rep. Sarah L. Lightner

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4563 as introduced
Sponsor: Rep. Angela Witwer

Committee: Judiciary
Complete to 5-17-21

SUMMARY:

House Bill 4562 would amend the Corrections Code to allow parole reviews after a parole denial to be conducted at least every five years for prisoners who pose a public safety risk based on a history of certain behaviors. House Bill 4563 would make a technical revision to a provision pertaining to decisions of parole board panel.

House Bill 4562 would amend provisions of the Corrections Code pertaining to mandatory reviews of prisoners by the parole board. Currently, if a prisoner is denied parole, the parole board is required to conduct a review at least annually if the prisoner scored high or average probability of parole. For a prisoner who scored low probability of parole, a review must be conducted at least every two years until a score of high or average probability of parole is attained. (This mandatory review of parole denials does not apply to prisoners sentenced to life but who are eligible for parole. Those prisoners undergo a different parole process that includes input by the sentencing judge or his or her successor and a public hearing, as well as input by the victim and the county prosecutor.)

Under the bill, the parole board could conduct a subsequent review of a prisoner, except for a prisoner serving a life sentence, up to five years after the review denying the prisoner parole if a majority of the members of the parole board agree to and sign a written recommendation to waive the requirements described above. A waiver could be issued only if a majority of the parole board members find that, and include a statement in the waiver that, all of the following apply:

- The parole board had no interest in granting the prisoner parole in the review denying the prisoner parole.
- The annual or biennial review after a parole denial would cause unnecessary additional harm to a victim of a crime for which the prisoner was committed.
- The harm could be mitigated only by waiving the post-denial annual or biennial parole review process.
- Unique circumstances and factors contributed to the decision to deny the prisoner parole and to waive the post-denial annual or biennial parole review process.

The Department of Corrections would have to include the number of prisoners issued a waiver under the above provisions in the annual report of parole statistics it provides to the

standing committees of the Senate and House of Representatives with jurisdiction over corrections issues. The report currently includes, among other things, the number of prisoners who scored high probability of parole who were granted parole in the previous calendar year, as well as the number who were deferred to complete necessary programming and the number who were denied parole for a substantial and compelling objective reason.

In addition, the bill would eliminate references to the Criminal Justice Policy Commission established by 2014 PA 465. The sections of the Corrections Code that created the commission and prescribed its powers and duties were repealed by a sunset provision on September 30, 2019.

MCL 791.233e

House Bill 4563 would also amend the Corrections Code. The act now provides that all decisions and recommendations of the parole board required by the act must be by a majority vote of the parole board or a parole board panel. Under the bill, those decisions and recommendations could be made by majority vote of a parole board panel *except as otherwise prohibited by the act*.

MCL 791.246

The bills are tie-barred to each other, meaning that neither could take effect unless both were enacted.

FISCAL IMPACT:

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.