

RESENTENCING EVENTS AND REENTRY SERVICES

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House Bill 4211 as introduced
Sponsor: Rep. Amos O’Neal
Committee: Judiciary
Complete to 6-11-25

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

SUMMARY:

House Bill 4211 would amend the Corrections Code to require the Department of Corrections (DOC) to provide reentry services to prisoners who are discharged from custody immediately after being resentenced by a court because of their age at the time of the relevant offense.

Section 83 of the Corrections Code currently requires DOC to provide all of the following to prisoners who are discharged from custody before their maximum discharge date, without being granted parole, as a result of their conviction or sentence being reversed, vacated, or overturned:

- Reentry services consistent with the services received by parolees in this state for up to two years following the prisoner’s discharge date.
- Reentry housing consistent with the transitional housing provided to parolees in the state for up to one year following the prisoner’s discharge date.
- Vital documents, including at least the prisoner’s birth certificate.

The bill would amend section 83 to also require DOC to provide any official state personal identification card to discharged prisoners. The bill also would require DOC to provide all of the services listed above to prisoners discharged from custody immediately after being resentenced by a court for a *qualifying event*, which would be defined as resentencing required by any of the following:

- *Miller v Alabama*, 597 US 460 (2012), in which the United States Supreme Court held that mandatory sentences of life without the possibility of parole for juvenile offenders (i.e., those under 18 years of age) violate the Eighth Amendment’s prohibition on “cruel and unusual punishment.”
- *Montgomery v Louisiana*, 577 US 190 (2016), in which the United States Supreme Court held that its decision in *Miller* applies retroactively to all juvenile mandatory life without the possibility of parole sentences.¹
- *People v Parks*, 510 Mich 225 (2022), in which the Michigan Supreme Court held that mandatory life without the possibility of parole sentences for 18-year-old defendants convicted of first-degree murder violate the state constitution’s prohibition on “cruel or unusual punishment” (section 16 of Article I).
- *People v Stovall*, 510 Mich 301 (2022), in which the Michigan Supreme Court held that life sentences *with* the possibility of parole for juvenile defendants convicted of second-degree murder are also unconstitutional with respect to section 16 of Article I of the state constitution.

MCL 791.283

¹ The United States Supreme Court’s decision in *Montgomery* effectively overruled the Michigan Supreme Court’s earlier decision in *People v Carp*, 298 Mich 472 (2012), in which it held that the *Miller* decision was *not* retroactive to Michigan criminal cases that were no longer pending on direct appeal.

FISCAL IMPACT:

House Bill 4211 would likely affect between 70 and 80 cases, according to the Department of Corrections. This number of individuals would be eligible for discharge from custody immediately after being resentenced for a qualifying event. Because participation in reentry services is voluntary, it is not expected that all individuals would utilize the reentry services provided. Of the reentry services required to be provided, reentry housing is the costliest for the department. Individuals with family members are not likely to be interested in using reentry housing services. The department currently contracts with community providers that provide these reentry services to many people each year, so the addition of these cases is not likely to have a fiscal impact on the department. Costs would be minimal and supported with existing appropriations.

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