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SFA**BILL ANALYSIS**

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Senate Bill 281 (Substitute S-4 as reported by the Committee of the Whole)
Sponsor: Senator Mike Rogers
Committee: Judiciary

CONTENT

The bill would amend the Department of Corrections (DOC) law to provide for the parole of certain drug offenders. Under the DOC law, a prisoner under sentence for life or for a term of years, other than a prisoner sentenced for life for first-degree murder or sentenced for life or for a minimum term of imprisonment for a major controlled substance offense, is subject to the parole board's jurisdiction after having served either 10 or 15 years, depending on the date of the crime for which the prisoner was convicted. The bill would revise the exclusion for major controlled substance offenders. The bill specifies that a prisoner could not be released on parole if he or she were sentenced to imprisonment for life or a minimum term of imprisonment for a major controlled substance offense and were not eligible for parole under the Public Health Code (as it would be amended by Senate Bill 280).

The bill also provides that a prisoner sentenced to life imprisonment for a major controlled substance violation, who was released on parole under Senate Bill 280, would have to be placed on parole for life. In addition, if a prisoner convicted of manufacturing, delivering, or possessing with intent to deliver a mixture containing a Schedule 1 or 2 narcotic or cocaine, regardless of the amount, who was released on parole, committed a controlled substance violation of the Public Health Code that was punishable by four or more years or a violent felony during his or her release, the parole would have to be revoked and he or she could not again be considered for release on parole. The person's parole order would have to contain a notice of those conditions.

The bill also specifies that a prisoner sentenced to life imprisonment for a major controlled substance violation, who was released on parole, would have to report in person to his or her parole supervisor at least monthly, and could not be discharged from parole or have supervision suspended by the DOC for any reason.

The bill is tie-barred to Senate Bills 278 and 279, which would provide for the effectiveness of provisions commonly referred to as "truth-in-sentencing" that were enacted in 1994 but whose effective date is tied to the enactment of sentencing guidelines, and to Senate Bill 280, which would amend the Public Health Code to revise the penalties for major controlled substance violations.

MCL 791.234 & 791.236

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 281 (S-4) would have an indeterminate, yet potentially cost-saving, fiscal impact on State government, and an indeterminate fiscal impact on local government.

To the extent that the bill would increase the likelihood of parole for individuals convicted of delivering 650 grams or more of a narcotic, costs for the Department of Corrections could decrease. Current law requires life without parole for individuals convicted for delivery of 650 grams or more of a narcotic. If the conditions described in the bill were met, an individual could become eligible for

parole after 15 years. Approximately 160 individuals are currently serving a life sentence for delivery of 650 grams or more. In addition, in 1996, there were nine new commitments for delivery of 650 grams or more. If one assumed that 25% of these convictions would meet the eligibility criteria for parole after 15 years, and that the parole board would in fact grant parole for these individuals (although the parole board data indicate that very few individuals with life sentences are ever paroled), costs after 15 years would begin to decrease. The bill provides, however, that a parolee would have to meet at least once a month with a parole supervisor and that supervision could not be discharged. Therefore, in the long term, costs for the confinement of these convictions could be reduced by approximately \$1.2 million annually, assuming a life sentence equals 50 years. Assuming life long parole supervision, the reduction would be somewhat less, approximately \$1.1 million.

To the extent that the bill would revoke the parole of, and make ineligible for future parole, offenders who were sentenced to life for a major controlled substance violation and who were sentenced for a second felony drug offense or violent crime, the cost of the bill to the Department of Corrections is indeterminate. No offenders currently sentenced to life for a major controlled substance violation are on parole, so no second offense information is available.

Date Completed: 10-30-97

Fiscal Analyst: K. Firestone

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