

Legislative Analysis



FREQUENCY OF CERTAIN PAROLE REVIEWS

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<http://www.house.mi.gov/hfa>

House Bill 4562 as introduced
Sponsor: Rep. Sarah L. Lightner

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

House Bill 4563 as introduced
Sponsor: Rep. Angela Witwer

Committee: Judiciary
Revised 5-25-21

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 the following conditions were met:

- The majority of the parole board finds that the prisoner's history of predatory, deviant, or violent behavior indicates that there is a present risk to public safety that cannot reasonably be expected to be mitigated in less than 60 months (five years).
- The above findings are stated in writing.

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 The sections of the Corrections Code that created the commission and prescribed its powers and duties were repealed by a sunset provision on September 30, 2019.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

House Bills 4562 and 4563 would have no fiscal impact on the state or on local units of government.

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