

Senate Judiciary Committee

Hearing on Bills Implementing the CSG Recommendations Regarding Michigan's Criminal Justice System

Testimony by Richard D. McLellan

December 9, 2014

Mr. Chairman and Members of the Committee, my name is Richard D. McLellan. I serve as Chair of the Michigan Law Revision Commission, but submit my remarks today in my individual capacity.

At the request of the Governor, Speaker and Senate Majority Leader, and with special funding provided by the Legislature, the Law Revision Commission contracted with the Council of State Governments Justice Center (CSG) to prepare a Report titled "Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System."

While the CSG Report proposes a number of interrelated changes to Michigan's justice system, what you have before you today is a scaled down set of legislative proposals.

The Law Revision Commission, in adopting the Report, encouraged the Legislature to address the issues we raised, but left it to the Legislature as to scope and timing of specific bills.

There are two key bills that I hope you will focus on:

First, my personal view is that the bill to create the **Criminal Justice Policy Commission** under the Legislative Council is an important first step and I urge you to approve it this session. Creation of the Commission will allow the stakeholders in the process to examine some of the remaining issues in greater depth.

In particular, the Commission will be charged with developing a prison and jail impact report that projects the impact on total capacity of prisons and jails. This is a very important undertaking for the protection of Michigan citizens.

Second, HB 5931 the "**presumptive parole**" bill. The bill amends the Corrections Code to create a presumptive parole system. Under the bill, most prisoners who score a high probability of parole on the parole guidelines will be released on parole after serving 100 percent of their minimum sentence. The concept and policy is a good one for Michigan and I urge its adoption. Of course, there should be and there are important exceptions to the presumption included in the bill and a list of significant offenses that are excluded.

Thank you for your consideration of this issue. I urge you to take the first steps today and recognize those that will return in 2015 will have even more work to address this complex, but important topic.

I would be happy to try and answer any questions.

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