

Senate Fiscal Agency
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SFA

BILL ANALYSIS

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Senate Bill 1013 (as introduced 1-29-02)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 2-26-02

CONTENT

The bill would amend the Code of Criminal Procedure to allow a person who was placed on probation for life for either of the following violations to petition the sentencing court for termination of the probation, if he or she had served at least five years of the term of probation:

- Manufacturing, delivering, or possessing with intent to deliver less than 50 grams of a mixture containing a Schedule 1 or 2 narcotic or cocaine (MCL 333.7401(2)(a)(iv)).
- Possessing 25 grams or more, but less than 50 grams, of a mixture containing a Schedule 1 or 2 narcotic or cocaine (MCL 333.7403(2)(a)(iv)).

Currently, if a defendant is placed on probation for life for one of those violations, the probation period may not be reduced other than by a revocation of probation that results in imprisonment. Under the bill, however, if the court determined that a petitioner had complied with all the terms and conditions of the probation order for the period of probation served, it could discharge the person from probation and enter a record of that discharge. If the court denied a petition for termination of probation for life, the court would have to state on the record its reason for denying the petition.

A probationer whose petition was denied could submit another petition at least one year after the denial, and the court could grant the petition if the petitioner had complied with all terms and conditions of the probation order since the date of the previous denial.

MCL 771.2 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State government. The Department of Corrections estimates that there are between 4,000 and 4,500 offenders on lifetime probation. There are no data to indicate how many are serving for the applicable offenses or how many would receive an early discharge under the bill. The State incurs the cost of felony probation at an estimated \$4.38 per day. In the absence of data, if one assumes that 10 offenders would receive probation terminations shortening their terms by an average of 20 years, it would save the State \$320,000.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.