

Legislative Analysis



PAROLE OF LIFERS: REVISE CRITERIA FOR PAROLE DECISIONS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4189

Sponsor: Rep. Ellen Cogen Lipton

Committee: Judiciary

Complete to 2-27-13

A REVISED SUMMARY OF HOUSE BILL 4189 AS INTRODUCED 2-5-13

The bill would make two changes affecting prisoners sentenced to life imprisonment but eligible for parole.

- A written objection to parole of a prisoner submitted by "a successor judge" before a public hearing was held would no longer automatically remove the decision to grant or deny parole from the jurisdiction of the parole board. The bill, however, would retain the current provision specifying that parole cannot be granted if the sentencing judge submitted a written objection to the parole. (A "successor judge" is the judge who now holds the office as the successor to the original sentencing judge.)
- The requirement that a public hearing be held before a decision could be made by the parole board to deny parole would be eliminated. A public hearing would still be required before a decision to grant parole was made.

These provisions are explained in more detail in the **Content** section of the summary.

BACKGROUND INFORMATION:

The parole process for a prisoner sentenced to life imprisonment but eligible for parole is different than for other prisoners. Generally speaking, a parolable lifer must serve at least 15 years of a sentence before release on parole. According to statute, one member of the parole board must interview the prisoner at the conclusion of 10 years of imprisonment and thereafter according to a schedule determined by the parole board until such time as the prisoner is paroled, discharged, or deceased. In addition, the prisoner's file must be reviewed after 15 years post-sentencing and every 5 years thereafter.

If the parole board member conducting the interview feels the prisoner is a good candidate for parole, the case is presented before the parole board at what is known as an "executive session." All of the members must then decide whether or not to proceed with considering parole for the prisoner. A decision to not proceed any further is referred to as a "no interest decision" and the parole process is effectively ended until the next scheduled review.

If the parole board decides to continue consideration for parole, a public hearing is scheduled. Notice of the public hearing must be sent to the judge who sentenced the prisoner to life or to the judge who is currently holding that position on the bench (the "successor judge"), and also to the prosecutor of the county where the prisoner was convicted. The sentencing judge or the successor judge has 30 days from the date the notice of the public hearing was received to submit to the parole board written objections to the parole of the prisoner. If the parole board receives such written objections, the public hearing is cancelled and the parole process is effectively ended until the next scheduled review.

If no objections to the parole by the sentencing judge or successor judge are received by the parole board, the public hearing is conducted. Anyone can speak at a public parole hearing, including the county prosecutor, and victims or their families, or even the now-retired judge who sentenced the prisoner to life imprisonment.

CONTENT:

House Bill 4189 would amend the Corrections Code to revise provisions regarding parole of a prisoner sentenced to life but eligible for parole. Currently, if a sentencing judge or the successor in that office objects to the parole, the objection effectively removes any further consideration of parole from the jurisdiction of the parole board. The bill would revise this provision as it relates to a successor judge. Under the bill, the successor judge could still file written objections, and those objections would have to be considered, but those objections could no longer automatically remove the decision to grant or deny parole from the parole board. The parole board would retain jurisdiction of those written objections.

Therefore, under the bill, either a sentencing judge or a successor judge, whichever is in office, would receive notice of the public hearing and could submit written objections, but only objections by the sentencing judge could remove further consideration of parole from the parole board. The objections by the successor judge would be advisory only.

In addition, the code currently states that a decision to grant or deny parole to the prisoner cannot be made until after a public hearing is held. The bill would delete the underlined portion, thus still requiring a public hearing to be held before a parole could be granted.

MCL 791.234

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.