

PSYCHOLOGICAL EVALUATION OF PRISONER

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House Bill 5243 as introduced
Sponsor: Rep. Klint Kesto
Committee: Law and Justice
Complete to 11-27-17

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

SUMMARY:

House Bill 5243 would establish time limitations within which an examination for a psychological evaluation of a prisoner requested by the parole board, and submission of the evaluation report to the parole board, must be completed.

As part of the determination to parole a prisoner, the parole board reviews pertinent information contained in a parole eligibility report. In general, the report is prepared by appropriate institutional staff at least 90 days before the expiration of the prisoner's minimum sentence and prior to a prisoner's interview with a parole board member. Included in the report are the results of any physical, mental, or psychiatric examinations of the prisoner that may have been performed.

In addition, the Corrections Code allows the parole board to request that a psychological evaluation be performed to assist it in reaching a decision on the release of a prisoner. This evaluation may be performed by the same person who provided the prisoner with therapeutic treatment, unless the prisoner or the parole board requests a different person.

House Bill 5243 would revise the provision within the Corrections Code described above regarding psychological evaluations requested by the parole board. The term "clinician" would replace "person" when referring to the individual who provided a prisoner with therapeutic services or conducted a psychological evaluation.

Further, the bill would establish a time period within which the examination must be completed and also for when the report of the evaluation must be submitted to the parole board. Under the bill, the clinician would have to complete the examination for the psychological evaluation within 45 days after the parole board requested it. An extension of not more than 15 days could be granted by the parole board if the clinician showed good cause that the additional time was necessary to observe and evaluate the prisoner. If the examination for the psychological evaluation was not completed within the bill's time limitations, the parole board could take immediate steps to obtain the examination. These could include requesting a clinician from another facility officially certified under Section 1026(1) of the Mental Health Code to conduct the examination.

The clinician conducting the examination would have to submit a report of the psychological evaluation to the parole board within 60 days after the parole board requests the evaluation. The report would have to include the clinical findings and the facts, in

reasonable detail, upon which the clinical findings were based. The parole board could grant up to a 15-day extension for good cause if needed to complete the report.

The bill would take effect 90 days after its enactment.

MCL 791.235

FISCAL IMPACT:

House Bill 5243 would have an indeterminate fiscal impact. Any increased costs for the Center for Forensic Psychiatry within the Department of Health and Human Services would depend on the degree to which this bill's time limitation for psychological evaluations differs from the current timeliness standards at the Center for Forensic Psychiatry and on the frequency at which the parole board decides to grant extensions to submit reports.

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