

PAROLE ELIGIBILITY

House Bill 4673 as introduced
First Analysis (5-23-01)

Sponsor: Rep. William J. O'Neil
Committee: Criminal Justice

THE APPARENT PROBLEM:

As part of the "Truth in Sentencing" legislation, Public Act 217 of 1994 required defendants convicted of certain crimes on or after June, 1982, to serve their full minimum sentences. The act also replaced disciplinary credits, which had been used to reduce a minimum term for good behavior, with disciplinary time, which was imposed, instead, to increase a minimum term for bad behavior. Further, the act specifies that, except for supervised periods when the prisoner is away from the facility for certain specific reasons (e.g., attending a funeral or visiting a sick relative), a prisoner subject to disciplinary time must be confined in a "secure correctional facility" for the duration of his or her minimum term plus the disciplinary time. The Department of Corrections has pointed out that this requirement, and provisions elsewhere in the act which specify that a prisoner subject to disciplinary time is not eligible for parole, would seem to conflict with another provision in the act which specifies that a prisoner who has completed not less than 90 nor more than 120 days in a special alternative incarceration program, or "boot camp," must be placed on parole. Consequently, legislation has been introduced to resolve this apparent conflict.

THE CONTENT OF THE BILL:

The Department of Corrections Act specifies that a prisoner who is subject to disciplinary time must be confined in a secure correctional facility, except for supervised periods when he or she is allowed out, such as when visiting a sick relative. House Bill 4673 would amend the act to specify that this requirement could not prevent such a prisoner who had successfully completed a program of "special alternative incarceration" (or "boot camp"), as provided under the act, from being placed on parole before the expiration of his or her minimum sentence.

MCL 791.265

FISCAL IMPLICATIONS:

The House Fiscal Agency (HFA) estimates that the bill would have no significant fiscal impact on the state. (5-21-01)

ARGUMENTS:

For:

As currently written, the law concerning youthful offenders in boot camps has caused confusion, according to the Department of Corrections. For example, one section of the Department of Corrections Act specifies that prisoners subject to disciplinary time must be confined in a secure correctional facility for the duration of their minimum terms plus the disciplinary time. Another section of the act, concerning youthful offenders who complete special alternative incarceration (boot camp), specifies that parole must be granted after a certain period. According to the department, it was always intended that a person selected for participation in the alternative incarceration programs be released on parole when he or she had completed the program. The bill would clarify this provision.

POSITIONS:

The Department of Corrections supports the bill. (5-22-01)

Analyst: R. Young

■ 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.

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