



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 932 (Substitute S-1 as reported)
Sponsor: Senator John Proos
Committee: Michigan Competitiveness

CONTENT

The bill would enact the "Parole Sanction Certainty Act" within the Corrections Code to create the Parole Sanction Certainty Program, which would be a program using a set of established sanctions to supervise eligible offenders who had been placed on parole. The bill would:

- Require the Department of Corrections (DOC) to adopt a system of sanctions for violations of conditions of parole for offenders supervised under the Program.
- Require the sanctions to use evidence-based practices that had been demonstrated to reduce recidivism and increase compliance with conditions of parole based on the identified risk and needs of the individual as determined by a validated risk assessment.
- Require the Program to set forth a list of presumptive sanctions for the most common types of supervision violations, and to define positive reinforcements.
- Require the Department to implement the Program in the five counties with the most individuals convicted of criminal violations and sentenced to DOC incarceration.
- Require the DOC to determine which offenders would be placed in the Program.
- Require an individual to be informed of the conditions of parole sanction certainty supervision and to sign an agreement, before being placed on that supervision.
- Provide that a supervised individual could be subject to a confinement sanction and confined in a correctional or detention facility for up to 30 days if he or she violated the conditions of his or her parole sanction certainty supervision but his or her parole was not going to be revoked.
- Provide that a supervised individual would be subject to one of the following for violating any condition of his or her parole sanction certainty supervision: a nonconfinement sanction; a confinement sanction; or parole revocation proceedings and possible incarceration if the violation constituted a significant risk to prior victims or the community at large and the risk could not be appropriately managed in the community.
- Allow the DOC to do one of the following if an individual violated a condition of parole sanction certainty supervision: modify the conditions of supervision for the purpose of imposing sanctions; or place the individual in a State or local correctional or detention facility, as provided in the bill.
- Specify that a sanction could not be imposed for a parole violation that would warrant an additional, separate felony charge.
- Provide that failure to comply with a sanction would constitute a violation of parole.
- Require the DOC to appoint an individual who, biannually, would have to review confinement sanctions recommended by agents in the five counties where the Program was implemented, and report specified information to the House and Senate committees concerned with corrections.

Nothing in the proposed Act would prevent the arrest of a parolee or the revocation of parole, under current provisions of the Code.

Proposed MCL 791.258-791.258g

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. It costs the State an average of \$5,260 per year for each parolee supervised. Parole sanction certainty supervision would likely cost more, but it is unknown by how much. A pilot program was launched in November 2015 in targeted counties, but it is too soon to have data on the costs per parolee or parolee outcomes.

If fewer parolees were returned to prison as a result of the bill, there would be savings to the State from lower incarceration costs. For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the reduced intake of prisoners reduced the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year.

Any additional reporting requirements would be handled by the Department of Corrections within existing appropriations.

Date Completed: 6-2-16

Fiscal Analyst: Ryan Bergan

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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.