



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

BILL ANALYSIS



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

Senate Bill 592 (as introduced 9-25-25)
Sponsor: Senator Sylvia Santana
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 12-1-25

CONTENT

The bill would amend the Corrections Code to require the Michigan Department of Corrections (MDOC) to provide specific reentry services and vital documents to a prisoner who was discharged from custody after being resentenced by a court in accordance with court rulings that prohibit mandatory life without parole for juvenile offenders.

Among other things, the Code requires the MDOC to provide reentry services and reentry housing consistent with the services received by parolees and vital documents such as a birth certificate to a prisoner who is discharged from custody before the prisoner's maximum discharge date without being granted parole because that prisoner's conviction or sentence was reversed, vacated, or overturned. The bill would require the MDOC to provide these services and vital documents to a prisoner who was discharged from custody immediately after being resentenced by a court for a qualifying event.

"Qualifying event" would mean the resentencing required by *Miller v Alabama*, *Montgomery v Louisiana*, *People v Parks*, or *People v Stovall*. (Generally, the US Supreme Court ruled in *Miller v Alabama* that mandatory life without parole for a crime committed by a juvenile is unconstitutional and in *Montgomery v Louisiana* that *Miller* applies retroactively. The Michigan Supreme Court reaffirmed *Miller* and *Montgomery* in the resentencing rulings of *People v Parks* and *People v Stovall*. See **BACKGROUND** for more details.)

MCL 791.283

BACKGROUND

In *Miller*, 567 US 460 (2012), the United States Supreme Court held, "[M]andatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on 'cruel and unusual punishments.'" The Court also ruled that "a judge or jury must have the opportunity to consider mitigating circumstances before imposing the harshest possible penalty for juveniles". The *Miller* decision did not list factors that must be considered in sentencing a juvenile, but it does state generally the features of a juvenile's age that require a rethinking of the mandatory life without parole sentencing practice, such as immaturity, impetuosity, and the failure to appreciate risks and consequences.

Following *Miller*, the Michigan Legislature enacted Public Acts (PA) 22 and 23 of 2014, which added Sections 25 and 25a to the Penal Code. These Sections established a procedure for a prosecutor to request a sentence of life imprisonment without possibility of parole for a defendant who is under the age of 18 at the time he or she commits the crime. The Sections required courts to consider the features of a juvenile's age as described in *Miller* and any other relevant criteria. The Sections also specified that the procedure above could retroactively

apply if the US Supreme Court found that *Miller* should apply retroactively, in which case previous sentences of life without parole eligibility in the State would need to be reconsidered.

In 2016, the US Supreme Court in *Montgomery* 577 US ____ (2016), ruled that *Miller* applied retroactively. This ruling required Michigan to redetermine the sentences of any individual who committed a crime while that individual was under the age of 18 and received a life sentence without parole eligibility. Resentencing cases in Michigan since then, such as *People v Parks*, have reaffirmed the ruling of *Montgomery*, specifying that judges can still sentence 18-year-old defendants to life sentences without parole eligibility, but these defendants are entitled to the resentencing procedure established in Sections 25 and 25a of the Penal Code.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill should not have a fiscal impact on the State or local governments. While costs associated with providing the required services for released or discharged prisoners could increase for the MDOC to provide these services to additional qualifying prisoners, those costs should be absorbable within annual appropriations as the number of additional prisoners receiving services should be minimal.

Fiscal Analyst: Joe Carrasco, Jr.

SAS\S2526\s592sa

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.