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House Bill 4562 (Substitute H-3 as passed by the House)  
House Bill 4563 (as passed by the House)  
Sponsor: Representative Sarah L. Lightner (H.B. 4562)  
Representative Angela Witwer (H.B. 4563)  
House Committee: Judiciary  
Senate Committee: Judiciary and Public Safety

Date Completed: 2-9-22

### **CONTENT**

**House Bill 4562 (H-3) would amend the Corrections Code to allow the Parole Board to conduct a subsequent parole review of prisoners who had been denied parole within five years after denying a prisoner parole under certain circumstances, and to modify certain reporting requirements.**

**House Bill 4563 would amend the Corrections Code to specify that all decisions and recommendations of the Parole Board would have to be by a majority vote of the Board or, *except as otherwise prohibited by the Code*, a Parole Board panel created under the Code.**

The bills are tie-barred. House Bill 4562 (H-3) is described in greater detail below.

#### Parole Review

The Parole Board is the sole authority for paroling felony offenders committed to the Michigan Department of Corrections (MDOC). The Code requires the Parole Board to develop parole guidelines to govern the exercise of its discretion as to the release of prisoners on parole.

Section 33e(9) of the Code requires the Parole Board to conduct a review of a prisoner, except for a prisoner serving a life sentence, who has been denied parole as follows:

- If the prisoner scored high or average probably of parole, at least annually.
- If the prisoner scored low probability of parole, at least every two years until a score of high or average probability of parole is attained.

Under the bill, this provision would apply unless a waiver was issued, as described below.

The bill would allow the Parole Board to conduct a subsequent review of a prisoner, except for a prisoner serving a life sentence, within five years after the review denying the prisoner parole, if a majority of the Parole Board agreed to and signed a written recommendation to waive the requirements under Section 33e(9). A waiver could be issued only if a majority of the Parole Board found and included a statement in the waiver that all of the following applied:

- The Parole Board had no interest in granting the prisoner parole in the review denying the prisoner parole.

- The parole review requirements under Section 33e(9) would cause unnecessary additional harm to a victim of a crime for which the prisoner was committed.
- The harm could be mitigated only by waiving the parole review process under Section 33e(9).
- Unique circumstances and factors contributed to the decision to deny the prisoner parole and to waive the parole review process under Section 33e(9).

### Report

The Code requires the MDOC to report certain information about prisoners who were granted parole during the preceding calendar year to the Senate and House of Representatives standing committees having jurisdiction of corrections issues and to the Criminal Justice Policy Commission (CJPC). The bill would require the report to contain the number of prisoners issued a waiver under the bill, in addition to the currently prescribed information. The bill would delete the reference to the CJPC.

### Parole Guidelines Scoring Changes

The Code requires the MDOC to advise the Senate and House standing committees having jurisdiction over corrections issues and the CJPC immediately of any changes made to the scoring of the parole guidelines after December 12, 2018, including a change in the number of points that define "high probability of parole".

The bill would delete the reference to the CJPC.

MCL 791.233e (H.B. 4562)  
791.246 (H.B. 4563)

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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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.