

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

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 6510 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Bill McConico
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Corrections Code to allow the parole of people who had been convicted before the bill's effective date of manufacturing, creating, delivering, possessing, or possessing with intent to manufacture, create, or deliver less than 650 grams of a Schedule 1 or 2 narcotic or cocaine. The bill also would increase the maximum number of prisoners allowed at the Scott Correctional Facility and the Western Wayne Correctional Facility.

Specifically, a person convicted of a violation involving 225 grams or more but less than 650 would be eligible for parole after serving the minimum of each sentence imposed for that violation, or 10 years of each sentence imposed, whichever was less. A person convicted of a violation involving 50 grams or more, but less than 225, would be eligible for parole after serving the minimum of each sentence imposed for that violation, or five years of each sentence, whichever was less.

A person convicted of manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver less than 50 grams, or of possessing 25 grams or more but less than 50, and sentenced to a term of imprisonment that was consecutive to a term imposed for any other violation involving manufacture, delivery, or possession with intent of any quantity, or a possession involving 25 grams or more, would be eligible for parole after serving one-half of the minimum sentence imposed for each of the other violations. This provision would not apply, however, if the sentence were imposed for a conviction for a new offense committed while the individual was on probation or parole.

The bill would require the parole board to give notice to the prosecuting attorney of the county where the individual was convicted before granting parole under these provisions.

Currently, the Code states that the maximum number of prisoners at the Scott Correctional Facility is 860 and the maximum at the Western Wayne Correctional Facility is 775. The bill would increase those numbers to 880 for Scott and 925 for Western Wayne. The bill states that if a new housing unit were constructed within the security perimeter of either facility, the capacity limit listed in the bill for that facility would be increased by the designated capacity of the new housing unit.

The bill is tie-barred to House Bills 5394 and 5395 (which, among other things, would delete a prohibition against parole for these drug violations).

MCL 791.220e & 791.234

Legislative Analyst: Patrick Affholter
Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. By providing for earlier parole eligibility for controlled substance offenders sentenced under mandatory

minimums before the effective dates of House Bills 5394 and 6510, the bill could potentially decrease the length of time offenders will serve, thereby decreasing criminal justice costs. It is unclear what type of impact the bill would have by eliminating provisions that require the parole board to consider certain aspects of an offense when considering parole for certain controlled substance offenders.

To the extent that the bill would increase available prison capacity, it would increase potential operating costs for the Department of Corrections.

Date Completed: 12-12-02

Fiscal Analyst: Bethany Wicksall

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