

CAPPS Summary of HB 4138 (H-4)*

The bill voted out of the House Criminal Justice Committee on June 16, 2015:

- Establishes a presumption of parole for people serving terms of years who score high probability of parole on the parole guidelines.
- Limits parole denials for “substantial and compelling reasons” to the following six circumstances:
 - The person has an institutional conduct score lower than -1 on the guidelines.
 - There is objective and verified evidence of substantial harm to a victim that could not have been available for consideration at the time of sentencing, or the prisoner has threatened to harm another person if released.
 - The person has a pending felony charge or detainer.
 - There is objective and verified evidence of post-sentencing conduct, not already scored in the parole guidelines, that demonstrates that the prisoner would present a high risk to public safety if paroled.
 - The person has been identified in the federal combined DNA index system (CODIS) and linked to an unsolved criminal violation. The parole board may deny release beyond the service of the minimum for not more than 18 months from the date the prisoner was identified through CODIS.
 - The prisoner’s release is otherwise barred by law.
- Permits the board to defer release upon service of the minimum for no more than four months to allow someone to complete a treatment program that is reasonably necessary to reduce the risk to public safety from the person’s release.
- Requires the parole board to reconsider people serving a term of years who were denied release:
 - Not less than annually, if they scored high or average probability of release.
 - Not less than every two years until a score of average probability is attained, if they scored low probability of release.

NOTE: This provision includes current prisoners.

- Requires the Michigan Department of Corrections to provide a report to the legislature and the Criminal Justice Policy Commission by March 1 of each year that includes detailed information about the parole board’s compliance with each provision of the statute.
- Requires the Michigan Department of Corrections to immediately advise the legislature and the Criminal Justice Policy Commission of any changes in the scoring of the parole guidelines, including the number of points that define “high probability of parole.”
- Limits application of the presumption to people whose offenses were committed on or after the effective date of the bill.
- Clarifies that the bill does not apply to people serving life sentences.
- States that there is no entitlement to parole.