

Legislative Analysis



FIRST-DEGREE CSC: LIFE WITHOUT PAROLE

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Senate Bill 709

Sponsor: Sen. Tony Stamas

Senate Bill 717

Sponsor: Sen. Laura M. Toy

Senate Bill 718

Sponsor: Sen. Jud Gilbert, II

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 5-2-06

A SUMMARY OF SENATE BILLS 709, 717, AND 718 AS PASSED BY THE SENATE 3-28-06

The bills would amend various acts to require a sentence of life imprisonment without parole for the crime of first-degree criminal sexual conduct (CSC) under certain circumstances. Specifically, the bills would do the following:

Senate Bill 709 would amend the Michigan Penal Code (MCL 750.520b) to require a sentence of life imprisonment without parole eligibility if all of the following applied:

- The victim was under 13 years of age;
- the offender was 17 years of age or older; and,
- the offender previously had been convicted of first-, second-, third-, or fourth-degree CSC or assault with attempt to commit CSC, or a substantially conforming law of the United States, another state, or a political subdivision of another state when the offender was 17 years of age or older and the victim was less than 13 years of age.

The current penalty of imprisonment for life or for any term of years would still apply to first-degree CSC offenses that did not meet the criteria described above.

The bill is tie-barred to Senate Bill 718.

Senate Bill 717 would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.16y) to specify that a violation of MCL 750.520b(2)(a) — first-degree CSC excluding offenses described in Senate Bill 709 — would have a statutory maximum term of imprisonment of life. The bill is tie-barred to Senate Bill 709.

Senate Bill 718 would amend the Corrections Code (MCL 791.234) to revise and clarify provisions regarding parole eligibility. Generally speaking, depending on the date the crime was committed, a prisoner is eligible for parole and therefore subject to the jurisdiction of the parole board after serving 10 or 15 years of his or her sentence.

Prisoners sentenced to life for certain offenses, such as first degree murder, are not eligible for parole. The current provision would be deleted and replaced with language clarifying that such prisoners are not eligible for parole and are instead subject to the provisions of Section 44. In addition to the offenses currently identified, the bill would add first-degree CSC in violation of the provision that would be added by Senate Bill 709 and for any other violation for which parole eligibility was expressly denied under state law.

(Under Section 44 of the code, one member of the parole board must interview a prisoner serving a sentence for murder in the first degree, or any sentence of imprisonment without parole, at the conclusion of 10 calendar years and subsequently as determined appropriate by the parole board until such time as the prisoner is granted a reprieve, commutation, or a pardon by the governor, or is deceased. The section also provides a mechanism by which the parole board can initiate reviews of a prisoner's case or review a case upon receiving an application for a reprieve, commutation, or pardon.)

The bill is tie-barred to Senate Bill 709.

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.