

# Legislative Analysis

---



Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

## RAPID REPATRIATION

### House Bill 4130 (H-2)

**Sponsor: Rep. Alma Wheeler Smith**

**Committee: Appropriations**

**Complete to 9-15-09**

### A SUMMARY OF HOUSE BILL 4130 SUBSTITUTE (H-2)

The bill would amend the Corrections Code to require the Department of Corrections to parole and release certain prisoners to U.S. Immigration and Customs Enforcement (ICE) for the sole purpose of deportation. The bill would apply any prisoner who met all of the following conditions:

- A final order of deportation had been issued against the prisoner.
- The prisoner had served at least one-half of his or her minimum sentence.
- The prisoner was not serving a sentence for first- or second-degree murder, or first-, second-, or third-degree criminal sexual conduct.
- The prisoner had not been sentenced as an habitual offender.

The term of parole would be equal to the remaining balance of the prisoner's maximum sentence, and a prohibition against illegal entry into the United States would be made a condition of parole. Upon receiving notification from a law enforcement agency that the parolee was in custody, the department would issue a warrant for the offender's return and revoke parole. Upon his or her return, the offender would have to serve the remainder of his or her maximum sentence.

### FISCAL IMPACT:

The Department of Corrections (MDOC) would experience savings to the extent that it was relieved of the costs of incarcerating prisoners transferred to ICE. Based on a comparison of available ICE and MDOC data, it appears that 59 prisoners would be paroled under the bill. The state thus could experience cost savings of about \$600,000 in FY 2009-10, based on estimated incremental costs of about \$10,000 per prisoner annually. Savings could be higher if the paroles were sufficient to lower staffing needs through the closing of a housing unit or a reduction in 8-to-a-bay housing density. Additional modest savings could accrue as additional prisoners qualified by virtue of having served one-half their minimum terms.

Fiscal Analyst: Marilyn Peterson

---

■ 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.