

Legislative Analysis



PAROLE ABSCONDERS

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Senate Bill 18 (reported from House committee as H-1)
Sponsor: Sen. Ken Horn

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 19 (reported from House committee as H-2)
Sponsor: Sen. Dale W. Zorn

House Committee: Michigan Competitiveness
Senate Committee: Michigan Competitiveness
Complete to 3-6-17

BRIEF SUMMARY: Senate Bill 18 will require the Department of Corrections (MDOC) to provide a list of parole absconders to the Department of Health and Human Services (MDHHS) on a quarterly basis.

Senate Bill 19 will prohibit the MDHHS from granting food assistance to any person having an outstanding felony warrant and prohibit cash assistance and food assistance to any individual who is subject to a warrant for absconding.

The bills are tie-barred together, meaning neither can take effect unless both are enacted. If enacted, they would take effect 90 days after enactment.

FISCAL IMPACT: Senate Bill 18 would have no fiscal impact on the Department of Corrections or on local units of government. The Department of Corrections would produce the required reports using existing appropriations.

Senate Bill 19 could result in savings to the state through the termination of certain public assistance benefits to individuals who are either parole absconders or are subject to an arrest under an outstanding warrant. Public assistance benefits are administered by the Department of Health and Human Services. The amount of possible state savings would depend how many individuals who currently receive public assistance also fit into one of these categories. However, because the number of parole absconders and/or individuals with outstanding warrants that also receive public assistance is not currently known, the amount of savings that the state might achieve through the bill's provisions is indeterminate at this time.

THE CONTENT OF THE BILL:

Senate Bill 18 adds a new section to the Corrections Code (proposed MCL 791.284). On a quarterly basis, the MDOC will be required to provide the MDHHS with a list of supervised individuals within that region who have absconded from supervision *and* whom a law enforcement agency is actively seeking. The bill defines ***supervised individual*** as an individual who has been released from prison on parole.

Abscond is defined as the intentional failure of an individual supervised under the Corrections Code to report to the supervising agent and to advise the supervising agent of his or her whereabouts.

Actively seeking means either:

- A law enforcement agency or the MDOC intends to enforce an outstanding felony warrant for a supervised individual or arrest a supervised individual for a parole violation or for absconding from supervision within the following 30 days; or,
- The supervised individual has an active warrant for absconding.

Senate Bill 19 amends the Social Welfare Act (MCL 400.10b). Public assistance is currently withheld from individuals eluding arrest under outstanding warrants issued for felony charges in Michigan or any other jurisdiction. The bill retains this provision, but revises it to specifically withhold "cash assistance" from those individuals. In addition, the bill adds language to prohibit the MDHHS from granting "food assistance" to an individual who has an outstanding felony warrant and is being actively sought by law enforcement. Other references to "public assistance" in Section 10b are also revised to instead specify "cash assistance" or "food assistance."

The bill also will prohibit the MDHHS from granting *cash* assistance to an individual if the department receives information from the MDOC under the provisions of Senate Bill 18 that the individual is a parole absconder. *Food* assistance could not be granted to an individual who is a parole absconder and is being actively sought by law enforcement or the MDOC.

The bill also requires the director or designee to review information provided by the MDOC under Senate Bill 18 to determine if *cash* assistance recipients or applicants are subject to a warrant for absconding and if *food* recipients or applicants are subject to a warrant for absconding and law enforcement is actively seeking them. The MDHHS could not grant cash or food assistance to individuals who are subject to an arrest under an outstanding warrant or to parole absconders.

Cash assistance means cash benefits provided under the Family Independence Program, the Refugee Assistance Program, or state disability assistance.

Food assistance means the food benefits provided under the Food Assistance Program administered under the Social Welfare Act.

HOUSE COMMITTEE ACTION:

The H-1 substitute passed by the committee includes technical changes to the bill to reflect that tracking of absconders would be conducted by the MDOC rather than on a regional basis.

POSITIONS:

The following organizations support the package of corrections bills

Goodwill Industries of Greater Detroit (2-8-17)

Michigan Catholic Conference (2-8-17)

The Grand Rapids Chamber of Commerce (3-1-17)

The office of the Attorney General (3-1-17)

The Michigan Association of Counties is currently reviewing the bills as reported from committee. (3-6-17)

The Citizens Alliance on Prisons and Public Spending indicated neutrality on the bill. (3-1-17)

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