

Michigan provides compassionate release to prisoners with serious medical conditions through (1) **Medical Parole**¹ and (2) the **Executive Clemency** process.²

MEDICAL PAROLE

Michigan law confirms the existence of Medical Parole in the state:

The parole board may grant a medical parole for a prisoner determined to be physically or mentally incapacitated. A decision to grant a medical parole shall be initiated upon the recommendation of the bureau of health care services and shall be reached only after a review of the medical, institutional, and criminal records of the prisoner.³

However, beyond these two sentences, there are no other details in the statute or agency rules on how the Medical Parole law is implemented. The Michigan Department of Corrections and the Michigan Parole Board do not have anything in their published policies or on their websites about Medical Parole.

The Michigan Administrative Code also includes health as one of the many factors the Parole Board considers in its general parole decisions: “The prisoner’s physical and mental health, specifically any hospitalizations or treatment for mental illness and any irreversible physical or mental condition which would reduce the likelihood that he or she would be able to commit further criminal acts.”⁴

As of June 1, 2018, the Michigan Legislature is considering several bills related to Medical Parole and other forms of compassionate release, including (1) House Bill 4101, establishing parole for “medically frail” prisoners and providing additional guidance on the Medical Parole criteria, process, and conditions.⁵

EXECUTIVE CLEMENCY DUE TO A DETERIORATING AND/OR TERMINAL MEDICAL CONDITION

Michigan’s Executive Clemency guidelines say that initiating a commutation review “may include, but not be limited to, circumstances in which a prisoner has a *deteriorating and/or terminal medical condition* from which he or she is not likely to recover.”⁶ (emphasis added)

- In March 2017, Gov. Rick Snyder signed a package of criminal justice bills that included an effort to speed up review of clemency petitions for seriously ill prisoners: “At the governor’s request, the parole board will more quickly review a reprieve, commutation or pardon based in part on a prisoner’s medical condition.”⁷

The Governor's office has not published any data on how many prisoners, if any, have had their sentences commuted due to a medical condition.

NOTES

¹ Mich. Comp. Laws § 791.235 (10).

² Mich. Const. art. V, § 14.

³ Mich. Comp. Laws § 791.235 (10).

⁴ Mich. Admin. Code r. 791.7715 § (2) (e).

⁵ Michigan Legislature, House Bill 4101, introduced on Jan. 26, 2017, <http://www.legislature.mi.gov/documents/2017-2018/billintroduced/House/pdf/2017-HIB-4101.pdf>.

⁷ Michigan Department of Corrections, Executive Clemency Process Summary, http://www.michigan.gov/corrections/0,4551,7-119-1435_11601-223452--,00.html. See also Mich. Comp. Laws § 791.244 for information on expedited processes and time frames when a clemency request is made by a prisoner with a serious medical condition.

⁷ David Eggert, "Gov. Rick Snyder has signed into law a package of criminal justice bills that advocates say are intended to keep criminals from reoffending," Detroit Free Press, <https://www.freep.com/story/news/politics/2017/03/30/michigan-recidivism-criminal-justice-bills/99843532/>. See also Senate Bill 12, signed into law on April 18, 2017, [http://www.legislature.mi.gov/\(S\(g0m2qoj32jmlddn1tauadr1o\)\)/mileg.aspx?page=getObject&objectName=2017-SB-0012](http://www.legislature.mi.gov/(S(g0m2qoj32jmlddn1tauadr1o))/mileg.aspx?page=getObject&objectName=2017-SB-0012).