

## Testimony regarding HB 4509 and 4510

House Judiciary Committee  
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Good morning Chairman Meadows and Members of the Committee. I appreciate the opportunity to speak very briefly regarding these bills.

CAPPS has long advocated increasing the commutation rates of prisoners who are seriously or terminally ill. It is both the compassionate and the cost-effective thing to do. There is simply no point in continuing to incarcerate, at substantial public expense, people who are too incapacitated to be any threat to public safety. Over the last two years, the governor and the parole board have greatly increased their efforts to identify and release appropriate candidates for medical commutations. However, there has been frustration over the delays caused by the multi-step commutation process. Too often, terminally ill people have died in prison while awaiting a public hearing instead of spending their last few weeks or months at home with their families. These bills are a modest, very reasonable step toward reducing that problem and we appreciate their sponsorship by Representatives Meadows and Jones.

I am speaking today only to express our concern that all sex offenders are automatically excluded, in subsection (3, from the provisions that waive the public hearing requirement for terminally ill people who have committed every other kind of offense, from serial murder to child abuse. I understand that there is little chance of any amendment this morning, but I wanted to call your attention to several points.

I believe this exclusion rests on several false premises. One is that all sex offenders fit some stereotype of a compulsive pedophile who abducts children from schoolyards. Another is that sex offenders can never be punished enough. The third is that all sex offenders are a perpetual danger to the community and should be incarcerated as long as possible.

The term sex offender covers a very wide range of behaviors and circumstances. I have attached profiles of two people whose situational offenses had nothing to do with children or sexual compulsions. I would encourage you to read them when you get the chance and consider whether they have been punished enough and why they should be denied the same compassion as all other prisoners if they should become terminally ill.

As for recidivism, re-offense rates are extremely low for sex offenders even when they are not terminally ill. CAPPS is in the process of completing research on the recidivism rates of people released from prison in Michigan over a 14-year period. Of nearly 6,200 sex offenders, only 3.1% were returned for committing new sex offenses. Only 7.5% were returned to prison for committing a new crime of any kind. The table attached to my

testimony shows that the Michigan results are very similar to studies done by the Bureau of Justice Statistics and by researchers in other states.

We understand the need for compromise and will be glad to see these bills pass even with the exclusion for sex offenders. But you will undoubtedly be dealing with a variety of corrections bills aimed at reducing the prisoner population. Since it would be unfortunate if this sort of exclusion became common, I thought it might be useful to call attention to the issue now.

Thank you.

## Sex Offender Recidivism Rates

	Pop.	New Sex Crime	Any New Offense	Follow-up Period	Recidivism Measure
Michigan	6,673	3.1%	7.5%	4 years	Return to prison
Bureau of Justice Statistics	9,691	3.5%	24.0%	3 years	Reconviction*
Washington	4,091	2.7%	13.0%	5 years	Reconviction
California	3,577	3.4%	7.2%	10 years	Return to prison
California	4,204	3.2%	7.9%	5 years	Return to prison
Ohio	879	8.0%**	14.3%	10 years	Return to prison
Minnesota	3,166	5.7%	25.4%	3 years	Reconviction*
		3.2%	8.6%	3 years	Return to prison
New York	13,890	2.1%	7.8%	3 years	Return to prison

\*includes misdemeanors

\*\*also found that 1.4% had parole violations for behavior constituting a sex offense

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