

Thank you Chairwoman Hope and members of the House Criminal Justice Committee

I do not agree with those that spew anti-police rhetoric. Those that would allow criminals to run the streets like they have in some states. Nor am I soft on crime. I do believe we should be quick, decisive and firm with corrective action. Corrective action that promotes positive results and future leaders in our communities. It does not mean necessarily jail time but rather mentorships with our young. Mentorships that move them in a direction of hope.

There are plenty of 'red states' that have successfully had the political courage to make conservative moves to free taxpayers of the unnecessary burden of over incarceration.

Current law is flawed, legislation is required to fix some of the injustices and short sightedness that exists today. Life without parole is where I believe we need to change.

It is silly to think just because someone is eligible for parole... means that it is granted.

Charles Manson was up for parole 11 times...he rightfully died in prison. We need to keep people that pose a threat to society in prison.

But there are lifers in the Michigan state prison system that are no longer a threat and have served their time. I as a Michigan taxpayer do not want to pay for their room and board, health care and security for those that are no longer a threat - just because we do not have the political courage to do something different.

When I was in the legislature I had heard a story of quadriplegic prisoner with no use of his arms or legs. He was a lifer -- should we fear him...do we need to pay for this man's upkeep. Right now there is no option to release a lifer that is no longer a threat to society.

Behind me are two siblings of a man that has served over 33 years in our Michigan prisons. This man's name is Antonio Ciraulo. Antonio was a family man before he got messed up with pain killers and illegal drugs. Initially it was to quiet his back pain as a result of years of cement work.

On one fateful evening he shot and killed two individuals. At the time he was offered a plea deal of 10 years but did not take it.

Before this event, Antonio was friends to many. A big brother to his six siblings. A father to his daughter and now grandfather of three. The youngest of which is named after him.

We have many letters from current and past politicians. The very people that were involved in Antonio's original conviction and the current prosecutor believe he should now be allowed to be released. This is based on the mentorship and guidance he has given incarcerated young men as well as the respect he has given the warden and guards that watch over him.

Antonio has a loving family - a family filled with successes - that is hoping to one day bring him back into their homes. Antonio is also a citizen of Italy and probably long ago should have been sent back to his birth country.

But under current laws it can not happen.

Today we have over 2,600 people over age 50 that are serving a life sentence. They have no hope of ever getting out - and many of them should not. But there are some like Antonio that have earned a second look.

- But in the current form this bill goes a bit too far;
- suggesting that 10 years is enough to change someone is a mistake.
- Having resentencing with such a short time period will add to the current circuit court docket and could potentially overload their existing workload

That being said, there was a time Antonio as well as many if not all lifers deserved to be in prison. But there comes a time for those that are reformed and are no longer a threat, in which we hit a tipping point - where the taxpayer is paying a disproportionately high price tag.

My suggestions

#### Sections to be Amended Specific to First Degree Murder

1. MCL 750.316 <http://legislature.mi.gov/doc.aspx?mcl-750-316>
  1. This section would need to be rewritten to remove "life without the possibility of parole" and to state punishment is "for life".
2. MCL 791.234 <http://legislature.mi.gov/doc.aspx?mcl-791-234>

1. At a minimum you would need to strike 6(a), but you may want to strike more of 6 if a policy decision is made to allow parole eligibility for all crimes (6a is specific to murder in the 1<sup>st</sup> degree).
2. If you made no other changes to the section, people would be eligible for parole after committing murder in the 1<sup>st</sup> degree after 15 years (which is the same as second degree). I believe they should probably serve longer before potential release, like 20 years, that would need to be added to this section (most likely by adding that requirement as a new 7(d) in the section).
3. LSB would likely suggest some other random cleanups in the Corrections Code and elsewhere, but 1 and 2 above would be the main changes to accomplish this reform.

#### Sections to be Amended Specific to Deportation of Individuals Serving for Murder

If you didn't want to open up the issue of parole eligibility for people serving for Murder 1<sup>st</sup>, but wanted individuals convicted of this crime to be subject to deportation if a foreign national, you'd need to do the following.

1. MCL 791.234b <http://legislature.mi.gov/doc.aspx?mcl-791-234b>
  1. You would need to strike 2(c)(i) in this section, which would then allow individuals serving for first and second degree murder to be automatically paroled under the statute if a final order of deportation is in place.
  2. You would have to add language establishing the length of time the person must serve before they can be paroled and deported. The statute is based on half of the minimum sentence, but the MDOC doesn't recognize half of a life sentence and wouldn't know what that standard is. The legislature would need to spell out a specific number of years.

Sincerely,

Anthony G. Forlini  
Former State Legislature, Macomb County