

HOUSE BILL No. 4796

May 20, 1997, Introduced by Reps. Jaye, Goschka, Llewellyn, Whyman, McBryde, Cropsey, Kaza, Green, Gernaat, Law, Jelinek, Geiger, Galloway, Rhead and Perricone and referred to the Committee on Corrections.

A bill to amend 1953 PA 232, entitled

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

by amending section 33 (MCL 791.233), as amended by 1994 PA 217.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) The grant of a parole is subject to all of the
2 following:

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1 (a) A prisoner shall not be given liberty on parole until
2 the board has reasonable assurance, after consideration of all of
3 the facts and circumstances, including the prisoner's mental and
4 social attitude, that the prisoner will not become a menace to
5 society or to the public safety.

6 (b) Except as provided in section 34a, a parole shall not be
7 granted to a prisoner other than a prisoner subject to disci-
8 plinary time until the prisoner has served the minimum term
9 imposed by the court less allowances for good time or special
10 good time to which the prisoner may be entitled by statute,
11 except that a prisoner other than a prisoner subject to disci-
12 plinary time is eligible for parole before the expiration of his
13 or her minimum term of imprisonment whenever the sentencing
14 judge, or the judge's successor in office, gives written approval
15 of the parole of the prisoner before the expiration of the mini-
16 mum term of imprisonment.

17 (c) Except as provided in section 34a, and notwithstanding
18 the provisions of subdivision (b), a parole shall not be granted
19 to a prisoner other than a prisoner subject to disciplinary time
20 sentenced for the commission of a crime described in
21 section 33b(a) to (cc) until the prisoner has served the minimum
22 term imposed by the court less an allowance for disciplinary
23 credits as provided in section 33(5) of ~~Act No. 118 of the~~
24 ~~Public Acts of 1893, being section 800.33 of the Michigan~~
25 ~~Compiled Laws~~ 1893 PA 118, MCL 800.33. A prisoner described in
26 this subdivision is not eligible for special parole.

1 (d) Except as provided in section 34a, a parole shall not be
2 granted to a prisoner subject to disciplinary time until the
3 prisoner has served the minimum term imposed by the court, plus
4 any disciplinary time accumulated pursuant to section 34 of ~~Act~~
5 ~~No. 118 of the Public Acts of 1893, being section 800.34 of the~~
6 ~~Michigan Compiled Laws~~ 1893 PA 118, MCL 800.34.

7 (e) A prisoner shall not be released on parole until the
8 parole board has satisfactory evidence that arrangements have
9 been made for such honorable and useful employment as the pris-
10 oner is capable of performing, for the prisoner's education, or
11 for the prisoner's care if the prisoner is mentally or physically
12 ill or incapacitated.

13 (F) A PRISONER WHO IS SERVING A TERM OF IMPRISONMENT FOR
14 CRIMINAL SEXUAL CONDUCT SHALL NOT BE PAROLED UNLESS THE PRISONER
15 SUBMITS TO CHEMICAL CASTRATION. AS USED IN THIS SUBDIVISION,
16 "CHEMICAL CASTRATION" MEANS TREATMENT WITH DEPO-PROVERA OR AN
17 EQUIVALENT TREATMENT.

18 (2) Paroles-in-custody to answer warrants filed by local or
19 out-of-state agencies, or immigration officials, are permissible
20 if an accredited agent of the agency filing the warrant calls for
21 the prisoner to be paroled in custody.

22 (3) Pursuant to the administrative procedures act of 1969,
23 ~~Act No. 306 of the Public Acts of 1969, as amended, being sec-~~
24 ~~tions 24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA
25 306, MCL 24.201 TO 24.328, the parole board may promulgate rules
26 not inconsistent with this act with respect to conditions to be
27 imposed upon prisoners paroled under this act.

1 (4) THE PROVISIONS OF THIS SECTION REGARDING PRISONERS
2 SUBJECT TO DISCIPLINARY TIME TAKE EFFECT BEGINNING ON THE EFFEC-
3 TIVE DATE OF 1994 PA 217, AS PRESCRIBED IN ENACTING SECTION 2 OF
4 THAT AMENDATORY ACT.