

# SENATE BILL No. 1019

February 1, 2006, Introduced by Senator BISHOP and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending sections 33 and 65 (MCL 791.233 and 791.265), section  
33 as amended by 1998 PA 320 and section 65 as amended by 1998 PA  
512.

**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:

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

8           (b) Except as provided in section 34a, a parole shall not be

1 granted to a prisoner other than a prisoner subject to disciplinary  
2 time until the prisoner has served the minimum term imposed by the  
3 court less allowances for good time or special good time to which  
4 the prisoner may be entitled by statute, except that a prisoner  
5 other than a prisoner subject to disciplinary time is eligible for  
6 parole before the expiration of his or her minimum term of  
7 imprisonment whenever the sentencing judge, or the judge's  
8 successor in office, gives written approval of the parole of the  
9 prisoner before the expiration of the minimum term of imprisonment.

10 (c) Except as provided in section 34a, and notwithstanding the  
11 provisions of subdivision (b), a parole shall not be granted to a  
12 prisoner other than a prisoner subject to disciplinary time  
13 sentenced for the commission of a crime described in section 33b(a)  
14 to (cc) until the prisoner has served the minimum term imposed by  
15 the court less an allowance for disciplinary credits as provided in  
16 section 33(5) of 1893 PA 118, MCL 800.33. A prisoner described in  
17 this subdivision is not eligible for special parole.

18 (d) Except as provided in section 34a, a parole shall not be  
19 granted to a prisoner subject to disciplinary time until the  
20 prisoner has served the minimum term imposed by the court.

21 (e) A prisoner shall not be released on parole until the  
22 parole board has satisfactory evidence that arrangements have been  
23 made for such honorable and useful employment as the prisoner is  
24 capable of performing, for the prisoner's education, or for the  
25 prisoner's care if the prisoner is mentally or physically ill or  
26 incapacitated.

27 (f) ~~A~~ **SUBJECT TO SUBSECTION (2)**, A prisoner whose minimum

1 term of imprisonment is 2 years or more shall not be released on  
2 parole unless he or she has either earned a high school diploma or  
3 earned its equivalent in the form of a general education  
4 development (GED) certificate. The director of the department may  
5 waive the restriction imposed by this subdivision as to any  
6 prisoner who is over the age of 65 or who was gainfully employed  
7 immediately before committing the crime for which he or she was  
8 incarcerated. The department of corrections may also waive the  
9 restriction imposed by this subdivision as to any prisoner who has  
10 a learning disability, who does not have the necessary proficiency  
11 in English, or who for some other reason that is not the fault of  
12 the prisoner is unable to successfully complete the requirements  
13 for a high school diploma or a general education development  
14 certificate. If the prisoner does not have the necessary  
15 proficiency in English, the department of corrections shall provide  
16 English language training for that prisoner necessary for the  
17 prisoner to begin working toward the completion of the requirements  
18 for a general education development certificate. This subdivision  
19 applies to prisoners sentenced for crimes committed after December  
20 15, 1998. In providing an educational program leading to a high  
21 school degree or general education development certificate, the  
22 department shall give priority to prisoners sentenced for crimes  
23 committed on or before December 15, 1998.

24       **(2) A PAROLE DECISION MAY BE DEFERRED FOR UP TO 3 MONTHS TO**  
25 **PERMIT A PRISONER TO COMPLETE A PROGRAM IN WHICH THE PRISONER IS**  
26 **ALREADY ENROLLED. REASONABLE EFFORTS TO COMPLETE THAT PROGRAM OR A**  
27 **SIMILAR PROGRAM MAY BE MADE A CONDITION OF PAROLE.**

1           (3) ~~—(2)—~~ Paroles-in-custody to answer warrants filed by local  
2 or out-of-state agencies, or immigration officials, are permissible  
3 if an accredited agent of the agency filing the warrant calls for  
4 the prisoner to be paroled in custody.

5           (4) ~~—(3)—~~ Pursuant to the administrative procedures act of  
6 1969, 1969 PA 306, MCL 24.201 to 24.328, the parole board may  
7 promulgate rules not inconsistent with this act with respect to  
8 conditions to be imposed upon prisoners paroled under this act.

9           Sec. 65. (1) Under rules promulgated by the director of the  
10 department, the assistant director in charge of the bureau of  
11 correctional facilities, except as otherwise provided in this  
12 section, may cause the transfer or re-transfer of a prisoner from a  
13 correctional facility to which committed to any other correctional  
14 facility, or temporarily to a state institution for medical or  
15 surgical treatment. In effecting a transfer, the assistant director  
16 of the bureau of correctional facilities may utilize the services  
17 of an executive or employee within the department and of a law  
18 enforcement officer of the state.

19           **(2) THE DEPARTMENT SHALL MAINTAIN STATEWIDE LISTS OF PRISONERS**  
20 **AWAITING PLACEMENT IN RECOMMENDED TREATMENT AND EDUCATIONAL**  
21 **PROGRAMS. IF NECESSARY, THE DEPARTMENT SHALL MAKE REASONABLE**  
22 **EFFORTS TO TRANSFER PRISONERS, WITHIN APPROPRIATE SECURITY**  
23 **CLASSIFICATIONS, TO FACILITIES IN A MANNER THAT ENSURES THAT**  
24 **PRISONERS HAVE THE OPPORTUNITY TO COMPLETE RECOMMENDED PROGRAMS**  
25 **BEFORE THEIR FIRST PAROLE ELIGIBILITY DATES.**

26           (3) ~~—(2)—~~ A prisoner who is subject to disciplinary time and  
27 is committed to the jurisdiction of the department shall be

1 confined in a secure correctional facility for the duration of his  
2 or her minimum sentence, except for periods when the prisoner is  
3 away from the secure correctional facility while being supervised  
4 by an employee of the department or by an employee of a private  
5 vendor that operates a youth correctional facility under section  
6 20g for 1 of the following purposes:

7 (a) Visiting a critically ill relative.

8 (b) Attending the funeral of a relative.

9 (c) Obtaining medical services not otherwise available at the  
10 secure correctional facility.

11 (d) Participating in a work detail.

12 (4) ~~—(3)—~~ As used in this section, "offender" means a citizen  
13 of the United States or a foreign country who has been convicted of  
14 a crime and been given a sentence in a country other than the  
15 country of which he or she is a citizen. If a treaty is in effect  
16 between the United States and a foreign country, which provides for  
17 the transfer of offenders from the jurisdiction of 1 of the  
18 countries to the jurisdiction of the country of which the offender  
19 is a citizen, and if the offender requests the transfer, the  
20 governor of this state or a person designated by the governor may  
21 give the approval of this state to a transfer of an offender, if  
22 the conditions of the treaty are satisfied.

23 (5) ~~—(4)—~~ Not less than 45 days before approval of a transfer  
24 pursuant to subsection ~~—(3)—~~ (4) from this state to another  
25 country, the governor, or the governor's designee, shall notify the  
26 sentencing judge and the prosecuting attorney of the county having  
27 original jurisdiction, or their successors in office, of the

1 request for transfer. The notification shall indicate any name  
2 changes of the offender subsequent to sentencing. Within 20 days  
3 after receiving such notification, the judge or prosecutor may send  
4 to the governor, or the governor's designee, information about the  
5 criminal action against the offender or objections to the transfer.  
6 Objections to the transfer shall not preclude approval of the  
7 transfer.

8       (6) ~~—(5)—~~ As used in this section, "secure correctional  
9 facility" means a facility that houses prisoners under the  
10 jurisdiction of the department according to the following  
11 requirements:

12       (a) The facility is enclosed by a locked fence or wall that is  
13 designed to prevent prisoners from leaving the enclosed premises  
14 and that is patrolled by correctional officers.

15       (b) Prisoners in the facility are restricted to the area  
16 inside the fence or wall.

17       (c) Prisoners are under guard by correctional officers 7 days  
18 per week, 24 hours per day.