

SUBSTITUTE FOR
HOUSE BILL NO. 4130

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.285) by adding section 34b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 34B. (1) NOTWITHSTANDING SECTIONS 33 AND 34, AND SUBJECT
2 TO SUBSECTION (3), THE PAROLE BOARD SHALL PLACE A PRISONER
3 DESCRIBED IN SUBSECTION (2) ON PAROLE AND RELEASE THAT PRISONER TO
4 THE CUSTODY AND CONTROL OF THE UNITED STATES IMMIGRATION AND
5 CUSTOMS ENFORCEMENT FOR THE SOLE PURPOSE OF DEPORTATION.

6 (2) ONLY PRISONERS WHO MEET ALL OF THE FOLLOWING CONDITIONS
7 ARE ELIGIBLE FOR PAROLE UNDER THIS SECTION:

8 (A) A FINAL ORDER OF DEPORTATION HAS BEEN ISSUED AGAINST THE

1 PRISONER BY THE UNITED STATES IMMIGRATION AND NATURALIZATION
2 SERVICE.

3 (B) THE PRISONER HAS SERVED AT LEAST 1/2 OF THE MINIMUM
4 SENTENCE IMPOSED BY THE COURT.

5 (C) THE PRISONER IS NOT SERVING A SENTENCE FOR ANY OF THE
6 FOLLOWING CRIMES:

7 (i) A VIOLATION OF SECTION 316 OR 317 OF THE MICHIGAN PENAL
8 CODE, 1931 PA 328, MCL 750.316 AND 750.317 (FIRST OR SECOND DEGREE
9 HOMICIDE).

10 (ii) A VIOLATION OF SECTION 520B, 520C, OR 520D OF THE MICHIGAN
11 PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C, AND 750.520D
12 (CRIMINAL SEXUAL CONDUCT).

13 (D) THE PRISONER WAS NOT SENTENCED PURSUANT TO SECTION 10, 11,
14 OR 12 OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
15 MCL 769.10, 769.11, AND 769.12.

16 (3) THE PAROLE BOARD SHALL NOT PLACE A PRISONER ON PAROLE
17 UNDER THIS SECTION UNLESS IT HAS RECEIVED FROM THE UNITED STATES
18 IMMIGRATION AND NATURALIZATION SERVICE ASSURANCE AS TO BOTH OF THE
19 FOLLOWING:

20 (A) THAT AN ORDER OF DEPORTATION WILL BE EXECUTED OR THAT
21 PROCEEDINGS WILL PROMPTLY BE COMMENCED FOR THE PURPOSE OF
22 DEPORTATION UPON RELEASE OF THE PRISONER FROM THE CUSTODY OF THE
23 DEPARTMENT.

24 (B) THAT THE PRISONER, IF PLACED ON PAROLE UNDER THIS SECTION,
25 WILL NOT BE RELEASED FROM THE CUSTODY OF THE UNITED STATES
26 IMMIGRATION AND NATURALIZATION SERVICE FOR ANY REASON OTHER THAN
27 DEPORTATION, UNLESS THE UNITED STATES IMMIGRATION AND

1 NATURALIZATION SERVICE PROVIDES TO THE BOARD A REASONABLE
2 OPPORTUNITY TO ARRANGE FOR EXECUTION OF THE DEPARTMENT'S WARRANT
3 FOR THE RETURN OF THE PRISONER TO THE CUSTODY OF THE DEPARTMENT AS
4 PROVIDED IN SUBSECTION (4).

5 (4) A PRISONER PLACED ON PAROLE UNDER THIS SECTION SHALL BE
6 DELIVERED TO THE CUSTODY OF THE UNITED STATES IMMIGRATION AND
7 NATURALIZATION SERVICE ALONG WITH A WARRANT ISSUED BY THE DEPUTY
8 DIRECTOR OF THE BUREAU OF FIELD SERVICES FOR THE PRISONER'S RETURN
9 TO THE CUSTODY OF THE DEPARTMENT, TO BE EXECUTED IF THE PRISONER IS
10 RELEASED FROM THE CUSTODY OF THE UNITED STATES IMMIGRATION AND
11 NATURALIZATION SERVICE FOR ANY REASON OTHER THAN DEPORTATION. IF
12 THE PRISONER IS NOT DEPORTED, THE PAROLE BOARD SHALL DO ALL OF THE
13 FOLLOWING:

14 (A) EXECUTE THE WARRANT.

15 (B) RETURN THE PRISONER TO THE CUSTODY OF THE DEPARTMENT.

16 (C) REVOKE THE PRISONER'S PAROLE.

17 (5) THE TERM OF A PAROLE GRANTED UNDER THIS SECTION SHALL BE
18 EQUAL TO THE REMAINING BALANCE OF THE PRISONER'S MAXIMUM SENTENCE.
19 AS A CONDITION OF PAROLE GRANTED UNDER THIS SECTION, THE PAROLED
20 PRISONER SHALL NOT RETURN ILLEGALLY TO THE UNITED STATES. IF A
21 PRISONER WHO IS PLACED ON PAROLE UNDER THIS SECTION RETURNS
22 ILLEGALLY TO THE UNITED STATES AT ANY TIME BEFORE THE EXPIRATION OF
23 THE TERM OF HIS OR HER PAROLE, THE DEPUTY DIRECTOR OF THE BUREAU OF
24 FIELD SERVICES, UPON NOTIFICATION FROM ANY FEDERAL OR STATE LAW
25 ENFORCEMENT AGENCY THAT THE PRISONER IS IN CUSTODY, SHALL ISSUE A
26 WARRANT FOR THE RETURN OF THE PRISONER, AND THE PRISONER'S PAROLE
27 SHALL BE REVOKED. A PRISONER WHO IS RETURNED UNDER THIS SUBSECTION

1 IS NOT ELIGIBLE FOR PAROLE OR ANY OTHER RELEASE FROM CONFINEMENT
2 DURING THE REMAINDER OF HIS OR HER MAXIMUM SENTENCE.