

HOUSE BILL No. 4130

February 4, 2009, Introduced by Rep. Smith and referred to the Committee on Appropriations.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.285) by adding section 47.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 47. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,
2 AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), THE DIRECTOR
3 MAY RELEASE A PRISONER TO THE CUSTODY AND CONTROL OF THE UNITED
4 STATES IMMIGRATION AND CUSTOMS ENFORCEMENT IF THE DEPARTMENT
5 RECEIVES AN ORDER OF DEPORTATION FOR THE PRISONER FROM THE UNITED
6 STATES IMMIGRATION AND NATURALIZATION SERVICE AND THE PRISONER HAS
7 SERVED AT LEAST 1/2 OF THE SENTENCE IMPOSED BY THE COURT.

8 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING
9 PRISONERS:

1 (A) A PRISONER SERVING A SENTENCE FOR VIOLATING SECTION 316 OR
2 317 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.316 AND
3 750.317 (FIRST OR SECOND DEGREE HOMICIDE).

4 (B) A PRISONER SERVING A SENTENCE FOR VIOLATING SECTION 520B,
5 520C, OR 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
6 750.520B, 750.520C, AND 750.520D (CRIMINAL SEXUAL CONDUCT).

7 (C) A PRISONER WHO WAS SENTENCED PURSUANT TO SECTION 10, 11,
8 OR 12 OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175,
9 MCL 769.10, 769.11, AND 769.12.

10 (3) IF A PRISONER WHO IS RELEASED UNDER THIS SECTION RETURNS
11 ILLEGALLY TO THE UNITED STATES, THE DIRECTOR, UPON NOTIFICATION
12 FROM ANY FEDERAL OR STATE LAW ENFORCEMENT AGENCY THAT THE PRISONER
13 IS IN CUSTODY, SHALL REVOKE THE PRISONER'S RELEASE. A PRISONER WHO
14 IS RETURNED UNDER THIS SUBSECTION IS NOT ELIGIBLE FOR PAROLE OR ANY
15 OTHER RELEASE FROM CONFINEMENT DURING THE REMAINDER OF HIS OR HER
16 SENTENCE.