

# HOUSE BILL No. 6330

July 21, 2010, Introduced by Reps. Smith, Durhal and Meadows and referred to the Committee on Judiciary.

A bill to amend 1893 PA 118, entitled

"An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,"

(MCL 800.33 to 800.61) by adding section 37.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 37. (1) A RECORD OF ALL MAJOR MISCONDUCT CHARGES FOR  
2 WHICH A PRISONER SERVING A DETERMINATE SENTENCE HAS BEEN FOUND  
3 GUILTY SHALL BE MAINTAINED BY THE DEPARTMENT.

4           (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PRISONER  
5 WHO IS SERVING A DETERMINATE SENTENCE AND WHO HAS NOT BEEN FOUND  
6 GUILTY OF A MAJOR MISCONDUCT OR HAD A VIOLATION OF THE LAWS OF THIS  
7 STATE RECORDED AGAINST HIM OR HER SHALL RECEIVE A REDUCTION FROM  
8 HIS OR HER SENTENCE OF 5 DAYS OF GOOD BEHAVIOR CREDITS FOR EACH

1 MONTH SERVED.

2 (3) A PRISONER SHALL NOT EARN GOOD BEHAVIOR CREDITS UNDER THIS  
3 SECTION DURING ANY MONTH IN WHICH THE PRISONER IS FOUND GUILTY OF  
4 HAVING COMMITTED A MAJOR MISCONDUCT. THE AMOUNT OF GOOD BEHAVIOR  
5 CREDITS NOT EARNED AS A RESULT OF BEING FOUND GUILTY OF A MAJOR  
6 MISCONDUCT SHALL BE LIMITED TO THE GOOD BEHAVIOR CREDITS THAT WOULD  
7 HAVE BEEN EARNED FOR THE MONTH IN WHICH THE MAJOR MISCONDUCT  
8 OCCURRED. ANY GOOD BEHAVIOR CREDITS NOT EARNED AS A RESULT OF THE  
9 PRISONER BEING FOUND GUILTY OF A MAJOR MISCONDUCT SHALL NEVER BE  
10 EARNED OR RESTORED. THE WARDEN MAY ORDER THAT A PRISONER FOUND  
11 GUILTY OF A MAJOR MISCONDUCT, INCLUDING BUT NOT LIMITED TO CHARGES  
12 OF RIOTING, INCITING TO RIOT, ESCAPE, HOMICIDE, OR ASSAULT AND  
13 BATTERY, FORFEIT ALL OR A PORTION OF THE GOOD BEHAVIOR CREDITS  
14 ACCUMULATED BEFORE THE MONTH IN WHICH THE MISCONDUCT OCCURRED. AN  
15 ORDER FORFEITING ACCUMULATED GOOD BEHAVIOR CREDITS SHALL BE BASED  
16 UPON A REVIEW OF THE PRISONER'S INSTITUTIONAL RECORD.

17 (4) A GOOD BEHAVIOR CREDIT COMMITTEE COMPOSED OF THE  
18 PRISONER'S RESIDENT UNIT MANAGER, CUSTODY OFFICERS IN THE RESIDENT  
19 UNIT WITH DIRECT SUPERVISORY RESPONSIBILITIES OVER THE PRISONER,  
20 AND THE APPROPRIATE WORK OR SCHOOL ASSIGNMENT SUPERVISOR, SHALL BE  
21 A PART OF THE RECLASSIFICATION PROCESS AND SHALL REVIEW, AT LEAST  
22 ANNUALLY, THE STATUS OF EACH PRISONER IN THE HOUSING UNIT WHO HAS  
23 FORFEITED GOOD BEHAVIOR CREDITS. THE COMMITTEE MAY RECOMMEND TO THE  
24 WARDEN WHETHER ANY FORFEITED GOOD BEHAVIOR CREDITS SHOULD BE  
25 RESTORED TO THE PRISONER.

26 (5) THE WARDEN, AS A REWARD FOR GOOD CONDUCT, MAY RESTORE TO A  
27 PRISONER THE WHOLE OR ANY PORTION OF THE GOOD BEHAVIOR CREDITS

1 FORFEITED BECAUSE OF A FINDING OF GUILTY FOR A MAJOR MISCONDUCT.  
2 HOWEVER, FORFEITED GOOD BEHAVIOR CREDITS SHALL NOT BE RESTORED  
3 WITHOUT THE RECOMMENDATION OF THE GOOD BEHAVIOR CREDIT COMMITTEE  
4 AND THE PRIOR WRITTEN APPROVAL OF THE DEPUTY DIRECTOR IN CHARGE OF  
5 CORRECTIONAL FACILITIES ADMINISTRATION OR THE DEPUTY DIRECTOR IN  
6 CHARGE OF THE FIELD OPERATIONS ADMINISTRATION. GOOD BEHAVIOR  
7 CREDITS THAT HAVE NOT BEEN EARNED BECAUSE OF INSTITUTIONAL  
8 MISCONDUCT SHALL NOT BE RESTORED.

9 (6) A PRISONER WHO HAS BEEN SENTENCED CONCURRENTLY FOR  
10 SEPARATE CONVICTIONS SHALL HAVE HIS OR HER GOOD BEHAVIOR CREDITS  
11 COMPUTED ON THE BASIS OF THE LONGEST OF THE CONCURRENT SENTENCES.  
12 IF A PRISONER IS SERVING CONSECUTIVE SENTENCES FOR SEPARATE  
13 CONVICTIONS, HIS OR HER GOOD BEHAVIOR CREDITS SHALL BE COMPUTED AND  
14 ACCUMULATED ON EACH SENTENCE INDIVIDUALLY AND ALL GOOD BEHAVIOR  
15 CREDITS THAT HAVE BEEN EARNED ON ANY OF THE SENTENCES SHALL BE  
16 SUBJECT TO FORFEITURE PURSUANT TO SUBSECTION (3).

17 (7) AS USED IN THIS SECTION, "DETERMINATE SENTENCE" MEANS A  
18 SENTENCE THAT PROVIDES FOR A SINGLE, FIXED TERM OF IMPRISONMENT.

19 Enacting section 1. This amendatory act does not take effect  
20 unless Senate Bill No. \_\_\_\_ or House Bill No. 6329(request no.  
21 01035'09\*) of the 95th Legislature is enacted into law.