

# SENATE BILL No. 1054

December 18, 2009, Introduced by Senator WHITMER and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending section 36 (MCL 791.236), as amended by 2008 PA 191.

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

1           Sec. 36. (1) All paroles shall be ordered by the parole board  
2 and shall be signed by the chairperson. Written notice of the order  
3 shall be given to the sheriff or other police officer of the  
4 municipality or county in which the prisoner was convicted, and to  
5 the sheriff or other local police officer of the municipality or  
6 county to which the paroled prisoner is sent.

7           (2) A parole order may be rescinded at the discretion of the  
8 parole board for cause before the prisoner is released on parole. A  
9 parole shall not be revoked unless an interview with the prisoner

1 is conducted by 1 member of the parole board. The purpose of the  
2 interview is to consider and act upon information received by the  
3 board after the original parole release decision. A revocation  
4 interview shall be conducted within 45 days after receiving the new  
5 information. At least 10 days before the interview, the parolee  
6 shall receive a copy or summary of the new evidence that is the  
7 basis for the interview.

8 (3) A parole order may be amended at the discretion of the  
9 parole board for cause. An amendment to a parole order shall be in  
10 writing and is not effective until notice of the amendment is given  
11 to the parolee.

12 (4) When a parole order is issued, the order shall contain the  
13 conditions of the parole and shall specifically provide proper  
14 means of supervision of the paroled prisoner in accordance with the  
15 rules of the bureau of field services.

16 (5) The parole order shall contain a condition to pay  
17 restitution to the victim of the prisoner's crime or the victim's  
18 estate if the prisoner was ordered to make restitution ~~pursuant to~~  
19 **UNDER** the William Van Regenmorter crime victim's rights act, 1985  
20 PA 87, MCL 780.751 to 780.834, or the code of criminal procedure,  
21 1927 PA 175, MCL 760.1 to 777.69.

22 (6) The parole order shall contain a condition requiring the  
23 parolee to pay a parole supervision fee as prescribed in section  
24 36a.

25 (7) The parole order shall contain a condition requiring the  
26 parolee to pay any assessment the prisoner was ordered to pay  
27 ~~pursuant to~~ **UNDER** section 5 of 1989 PA 196, MCL 780.905.

1           (8) The parole order shall contain a condition requiring the  
2 parolee to pay the minimum state cost prescribed by section 1j of  
3 chapter IX of the code of criminal procedure, 1927 PA 175, MCL  
4 769.1j, if the minimum state cost has not been paid.

5           (9) If the parolee is required to be registered under the sex  
6 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the  
7 parole order shall contain a condition requiring the parolee to  
8 comply with that act.

9           (10) If a prisoner convicted of violating or conspiring to  
10 violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the  
11 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is  
12 released on parole, the parole order shall contain a notice that if  
13 the parolee violates or conspires to violate article 7 of the  
14 public health code, 1978 PA 368, MCL 333.7101 to 333.7545, and that  
15 violation or conspiracy to violate is punishable by imprisonment  
16 for 4 or more years, or commits a violent felony during his or her  
17 release on parole, parole shall be revoked.

18           (11) A parole order issued for a prisoner subject to  
19 disciplinary time may contain a condition requiring the parolee to  
20 be housed in a community corrections center or a community  
21 residential home for not less than the first 30 days but not more  
22 than the first 180 days of his or her term of parole. As used in  
23 this subsection, "community corrections center" and "community  
24 residential home" mean those terms as defined in section 65a.

25           (12) The parole order shall contain a condition requiring the  
26 parolee to pay the following amounts owed by the prisoner, if  
27 applicable:

1 (a) The balance of filing fees and costs ordered to be paid  
2 under section 2963 of the revised judicature act of 1961, 1961 PA  
3 236, MCL 600.2963.

4 (b) The balance of any filing fee ordered to be paid by a  
5 federal court under section 1915 of title 28 of the United States  
6 Code, 28 USC 1915 and any unpaid order of costs assessed against  
7 the prisoner.

8 (13) In each case in which payment of restitution is ordered  
9 as a condition of parole, a parole officer assigned to a case shall  
10 review the case not less than twice yearly to ensure that  
11 restitution is being paid as ordered. The final review shall be  
12 conducted not less than 60 days before the expiration of the parole  
13 period. If the parole officer determines that restitution is not  
14 being paid as ordered, the parole officer shall file a written  
15 report of the violation with the parole board on a form prescribed  
16 by the parole board. The report shall include a statement of the  
17 amount of arrearage and any reasons for the arrearage known by the  
18 parole officer. The parole board shall immediately provide a copy  
19 of the report to the court, the prosecuting attorney, and the  
20 victim.

21 (14) If a parolee is required to register ~~pursuant to~~ **UNDER**  
22 the sex offenders registration act, 1994 PA 295, MCL 28.721 to  
23 28.736, the parole officer shall register the parolee as provided  
24 in that act.

25 (15) Beginning August 28, 2006, if a parolee convicted of  
26 violating or conspiring to violate section 520b or 520c of the  
27 Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, other

1 than a parolee who is subject to lifetime electronic monitoring  
2 under section 85, is placed on parole, the parole board may require  
3 that the parolee be subject to electronic monitoring. The  
4 electronic monitoring required under this subsection shall be  
5 conducted in the same manner, and shall be subject to the same  
6 requirements, as is described in section 85 of this act and section  
7 520n(2) of the Michigan penal code, 1931 PA 328, MCL 750.520n,  
8 except as follows:

9 (a) The electronic monitoring shall continue only for the  
10 duration of the term of parole.

11 (b) A violation by the parolee of any requirement prescribed  
12 in section 520n(2) (a) to (c) is a violation of a condition of  
13 parole, not a felony violation.

14 (16) If the parole order contains a condition intended to  
15 protect 1 or more named persons, the department shall enter those  
16 provisions of the parole order into the corrections management  
17 information system, accessible by the law enforcement information  
18 network. If the parole board rescinds a parole order described in  
19 this subsection, the department within 3 business days shall remove  
20 from the corrections management information system the provisions  
21 of that parole order.

22 (17) Each prisoner who is required to be registered under the  
23 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,  
24 before being released on parole or being released upon completion  
25 of his or her maximum sentence, shall provide to the department  
26 notice of the location of his or her proposed place of residence or  
27 domicile. The department then shall forward that notice of location

1 to the appropriate law enforcement agency as required under section  
2 5(2) of the sex offenders registration act, 1994 PA 295, MCL  
3 28.725. A prisoner who refuses to provide notice of the location of  
4 his or her proposed place of residence or domicile or knowingly  
5 provides an incorrect notice of the location of his or her proposed  
6 place of residence or domicile under this subsection is guilty of a  
7 felony punishable by imprisonment for not more than 4 years or a  
8 fine of not more than \$2,000.00, or both.

9 (18) If a prisoner is serving a sentence for violating section  
10 411i of the Michigan penal code, 1931 PA 328, MCL 750.411i  
11 (aggravated stalking), and if a victim of that crime has registered  
12 to receive notices about that prisoner under the William Van  
13 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to  
14 780.834, the parole order for that prisoner shall require that the  
15 prisoner's location be monitored by a global positioning monitoring  
16 system during the entire period of the prisoner's parole. If, at  
17 the time a prisoner described in this subsection is paroled, no  
18 victim of the crime has registered to receive notices about that  
19 prisoner under the William Van Regenmorter crime victim's rights  
20 act, 1985 PA 87, MCL 780.751 to 780.834, but a victim of the crime  
21 subsequently registers to receive those notices, the prisoner's  
22 order of parole shall immediately be modified to require that the  
23 prisoner's location be monitored by a global positioning system  
24 during the balance of the period of that prisoner's parole. As used  
25 in this subsection, "global positioning monitoring system" means a  
26 system that electronically determines and reports the location of  
27 an individual by means of an ankle bracelet transmitter or similar

1 device worn by the individual, which transmits latitude and  
2 longitude data to monitoring authorities through global positioning  
3 satellite technology but does not include any radio frequency  
4 identification technology, global positioning technology, or  
5 similar technology that would be implanted in the parolee or would  
6 otherwise violate the corporeal body of the parolee.

7 (19) IN ADDITION TO ANY OTHER REQUIREMENTS FOR THE PROPER  
8 SUPERVISION OF THE PAROLEE, THE PAROLE ORDER SHALL PROHIBIT A  
9 PAROLEE DESCRIBED IN THIS SUBSECTION FROM PARTICIPATING IN ANY WAY  
10 IN ACTIVITIES TRADITIONALLY CONDUCTED DURING HOLIDAYS WHEN  
11 INDIVIDUALS LESS THAN 18 YEARS OF AGE ARE PRESENT, INCLUDING, BUT  
12 NOT LIMITED TO, WEARING A COSTUME RELATED TO THE TRADITIONS OF THE  
13 HOLIDAY OR DISPENSING CANDY. THIS SUBSECTION APPLIES TO ANY PAROLEE  
14 WHO WAS CONVICTED OF A LISTED OFFENSE AS THAT TERM IS DEFINED IN  
15 SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL  
16 28.722, AND WHO IS RELEASED ON PAROLE ON OR AFTER THE EFFECTIVE  
17 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. THIS  
18 SUBSECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

19 (A) A PAROLEE WHO WAS RELEASED ON PAROLE BEFORE THE EFFECTIVE  
20 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

21 (B) A PAROLEE WHOSE TERMS OF RELEASE AUTHORIZE HIM OR HER TO  
22 RESIDE WITH HIS OR HER FAMILY DURING THE TERM OF PAROLE.

23 (C) A PARENT OR GUARDIAN OF A PERSON UNDER 18 YEARS OF AGE WHO  
24 IS PRESENT IN THE PAROLEE'S HOME WHERE NO OTHER INDIVIDUALS LESS  
25 THAN 18 YEARS OF AGE ARE PRESENT, EXCEPT AS OTHERWISE PROVIDED IN  
26 SUBDIVISION (D).

27 (D) A PAROLEE ATTENDING A HOLIDAY GATHERING THAT IS PRIMARILY

1 ATTENDED BY THE PAROLEE'S IMMEDIATE FAMILY. AS USED IN THIS  
2 SUBDIVISION, "IMMEDIATE FAMILY" MEANS ANY OF THE FOLLOWING:

3 (i) THE PAROLEE'S PARENT, SPOUSE, SIBLING, OR CHILD.

4 (ii) THE SPOUSE OF THE PAROLEE'S PARENT, SIBLING, OR CHILD.

5 (iii) A CHILD OF THE PAROLEE'S PARENT, SPOUSE, SIBLING, OR  
6 CHILD.

7 (20) ~~(19)~~As used in this section, "violent felony" means an  
8 offense against a person in violation of section 82, 83, 84, 86,  
9 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,  
10 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA  
11 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,  
12 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,  
13 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,  
14 750.529a, and 750.530.