

Act No. 223
Public Acts of 2010
Approved by the Governor
December 10, 2010
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December 10, 2010

EFFECTIVE DATE: 91st day after final adjournment of 2010 Regular Session

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Rep. Smith

ENROLLED HOUSE BILL No. 4130

AN ACT to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.201 to 791.285) by adding section 34b.

The People of the State of Michigan enact:

Sec. 34b. (1) Notwithstanding sections 33 and 34, and subject to subsection (3), the parole board shall place a prisoner described in subsection (2) on parole and release that prisoner to the custody and control of the United States immigration and customs enforcement for the sole purpose of deportation.

(2) Only prisoners who meet all of the following conditions are eligible for parole under this section:

(a) A final order of deportation has been issued against the prisoner by the United States immigration and naturalization service.

(b) The prisoner has served at least 1/2 of the minimum sentence imposed by the court.

(c) The prisoner is not serving a sentence for any of the following crimes:

(i) A violation of section 316 or 317 of the Michigan penal code, 1931 PA 328, MCL 750.316 and 750.317 (first or second degree homicide).

(ii) A violation of section 520b, 520c, or 520d of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and 750.520d (criminal sexual conduct).

(d) The prisoner was not sentenced pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

(3) The parole board shall not place a prisoner on parole under this section unless it has received from the United States immigration and naturalization service assurance as to both of the following:

(a) That an order of deportation will be executed or that proceedings will promptly be commenced for the purpose of deportation upon release of the prisoner from the custody of the department.

(b) That the prisoner, if placed on parole under this section, will not be released from the custody of the United States immigration and naturalization service for any reason other than deportation, unless the United States immigration and naturalization service provides to the board a reasonable opportunity to arrange for execution of the department's warrant for the return of the prisoner to the custody of the department as provided in subsection (4).

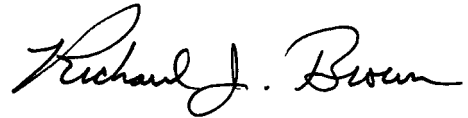
(4) A prisoner placed on parole under this section shall be delivered to the custody of the United States immigration and naturalization service along with a warrant issued by the deputy director of the bureau of field services for the prisoner's return to the custody of the department, to be executed if the prisoner is released from the custody of the United States immigration and naturalization service for any reason other than deportation. If the prisoner is not deported, the parole board shall do all of the following:

(a) Execute the warrant.

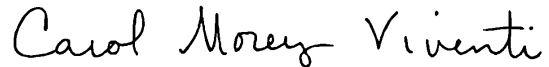
(b) Return the prisoner to the custody of the department.

(c) Revoke the prisoner's parole.

(5) The term of a parole granted under this section shall be equal to the remaining balance of the prisoner's maximum sentence. As a condition of parole granted under this section, the paroled prisoner shall not return illegally to the United States. If a prisoner who is placed on parole under this section returns illegally to the United States at any time before the expiration of the term of his or her parole, the deputy director of the bureau of field services, upon notification from any federal or state law enforcement agency that the prisoner is in custody, shall issue a warrant for the return of the prisoner, and the prisoner's parole shall be revoked. A prisoner who is returned under this subsection is not eligible for parole or any other release from confinement during the remainder of his or her maximum sentence.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor