

SUBSTITUTE FOR
HOUSE BILL NO. 5216

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 34D. (1) WHEN A PRISONER IS RELEASED, THE DEPARTMENT
2 SHALL ISSUE TO THAT PRISONER DOCUMENTS REGARDING ALL OF THE
3 FOLLOWING:

4 (A) THE PRISONER'S CRIMINAL CONVICTIONS.

5 (B) THE PRISONER'S INSTITUTIONAL HISTORY INCLUDING ALL OF THE
6 FOLLOWING:

7 (i) ANY RECORD OF INSTITUTIONAL MISCONDUCT.

8 (ii) WHETHER THE PRISONER SUCCESSFULLY COMPLETED PROGRAMMING
9 PROVIDED BY THE DEPARTMENT OR A PERSON OR ENTITY UNDER CONTRACT

1 WITH THE DEPARTMENT.

2 (iii) WHETHER THE PRISONER OBTAINED A GENERAL EDUCATION
3 DEVELOPMENT CERTIFICATE (GED) OR OTHER EDUCATIONAL DEGREE.

4 (iv) THE PRISONER'S INSTITUTIONAL WORK RECORD.

5 (C) OTHER INFORMATION CONSIDERED RELEVANT BY THE DEPARTMENT.

6 (2) IN ADDITION TO THE DOCUMENTS PROVIDED UNDER SUBSECTION
7 (1), THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF EMPLOYABILITY
8 DESCRIBED IN SUBSECTION (8) TO A PRISONER IF ALL OF THE FOLLOWING
9 APPLY:

10 (A) THE PRISONER SUCCESSFULLY COMPLETED A CAREER AND TECHNICAL
11 EDUCATION COURSE.

12 (B) THE PRISONER RECEIVED NO MAJOR MISCONDUCTS DURING THE 2
13 YEARS IMMEDIATELY PRECEDING HIS OR HER RELEASE.

14 (C) THE PRISONER RECEIVED NO MORE THAN 3 MINOR MISCONDUCTS
15 DURING THE 2 YEARS IMMEDIATELY PRECEDING HIS OR HER RELEASE.

16 (3) A CERTIFICATE OF EMPLOYABILITY SHALL ONLY BE ISSUED WITHIN
17 30 DAYS BEFORE THE PRISONER IS RELEASED FROM A CORRECTIONAL
18 FACILITY UNDER SECTION 35 AND SHALL BE VALID FOR 4 YEARS AFTER THE
19 DATE IT IS ISSUED UNLESS OTHERWISE REVOKED BY THE DEPARTMENT. THE
20 DEPARTMENT SHALL REVOKE THE CERTIFICATE OF EMPLOYABILITY IF THE
21 PRISONER COMMITS ANY CRIMINAL OFFENSE DURING THE 30-DAY PERIOD
22 BEFORE RELEASE AND MAY REVOKE THE CERTIFICATE OF EMPLOYABILITY IF
23 THE PRISONER HAS ANY INSTITUTIONAL MISCONDUCT DURING THAT PERIOD.
24 THE DEPARTMENT SHALL REVOKE THE CERTIFICATE OF EMPLOYABILITY OF ANY
25 INDIVIDUAL WHO COMMITS A FELONY AFTER RECEIVING A CERTIFICATE OF
26 EMPLOYABILITY UNDER THIS SECTION AND WHO IS THEN PLACED UNDER THE
27 JURISDICTION OF THE DEPARTMENT FOR COMMITTING THAT FELONY.

1 (4) THE DEPARTMENT SHALL PROVIDE AN INDIVIDUAL WITH AN
2 OPPORTUNITY FOR A HEARING BEFORE REVOKING A CERTIFICATE OF
3 EMPLOYABILITY UNDER SUBSECTION (3). THE HEARING SHALL OCCUR WITHIN
4 60 DAYS AFTER THE INDIVIDUAL IS CONVICTED OF A CRIMINAL OFFENSE OR
5 WITHIN 60 DAYS AFTER THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL
6 IS NO LONGER A PROPER CANDIDATE FOR A CERTIFICATE OF EMPLOYABILITY
7 UNDER THIS SECTION. THE REVOCATION OF A CERTIFICATE OF
8 EMPLOYABILITY IS EFFECTIVE WHEN THE INDIVIDUAL IS NOTIFIED OF THE
9 REVOCATION.

10 (5) AN INDIVIDUAL SHALL NOT INTENTIONALLY STATE OR OTHERWISE
11 REPRESENT THAT HE OR SHE HAS A VALID CERTIFICATE OF EMPLOYABILITY
12 ISSUED BY THE DEPARTMENT KNOWING THAT THE STATEMENT OR
13 REPRESENTATION IS FALSE. AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION
14 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
15 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

16 (6) THE REVOCATION OF A CERTIFICATE OF EMPLOYABILITY IS FOR
17 PURPOSES OF SUBSECTION (5) ONLY AND DOES NOT AFFECT THE RIGHT OF AN
18 EMPLOYER TO RELY ON THE VALIDITY OF THE CERTIFICATE OF
19 EMPLOYABILITY UNLESS THE EMPLOYER KNEW BEFORE THE INDIVIDUAL WAS
20 EMPLOYED THAT THE CERTIFICATE OF EMPLOYABILITY WAS FRAUDULENT.

21 (7) UPON REQUEST, THE DEPARTMENT SHALL CONFIRM WHETHER A
22 CERTIFICATE OF EMPLOYABILITY HAS BEEN ISSUED TO A NAMED INDIVIDUAL
23 AND WHETHER THE CERTIFICATE IS VALID AT THE TIME OF THE INQUIRY AND
24 AT THE DEPARTMENT'S RESPONSE TO THAT INQUIRY.

25 (8) A CERTIFICATE OF EMPLOYABILITY UNDER THIS SECTION SHALL BE
26 ON A FORM PROVIDED BY THE DEPARTMENT.

27 (9) THE DEPARTMENT IS NOT CIVILLY LIABLE FOR DAMAGES BASED

1 UPON ITS DECISION TO ISSUE OR TO DENY ISSUANCE OF A CERTIFICATE OF
2 EMPLOYABILITY TO ANY PRISONER OR FOR REVOKING OR FAILING TO REVOKE
3 A CERTIFICATE OF EMPLOYABILITY ISSUED TO ANY PRISONER.