

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

House Bill No. 5216 (H-2) as amended April 17, 2014  
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.

[ (D) THE PRISONER RECEIVED A SILVER LEVEL OR BETTER ON HIS OR HER  
NATIONAL WORK READINESS CERTIFICATE, OR A SIMILAR SCORE, AS DETERMINED BY  
THE DEPARTMENT, ON AN ALTERNATIVE JOB SKILLS ASSESSMENT TEST ADMINISTERED  
BY THE DEPARTMENT. ]

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.