

Act No. 359
Public Acts of 2014
Approved by the Governor
December 16, 2014
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**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Kesto, Haveman, Shirkey, Robinson and Walsh

ENROLLED HOUSE BILL No. 5216

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 34d.

The People of the State of Michigan enact:

Sec. 34d. (1) When a prisoner is released, the department shall issue to that prisoner documents regarding all of the following:

- (a) The prisoner's criminal convictions.
 - (b) The prisoner's institutional history including all of the following:
 - (i) Any record of institutional misconduct.
 - (ii) Whether the prisoner successfully completed programming provided by the department or a person or entity under contract with the department.
 - (iii) Whether the prisoner obtained a general education development certificate (GED) or other educational degree.
 - (iv) The prisoner's institutional work record.
 - (c) Other information considered relevant by the department.
- (2) In addition to the documents provided under subsection (1), the department shall issue a certificate of employability described in subsection (8) to a prisoner if all of the following apply:
- (a) The prisoner successfully completed a career and technical education course.
 - (b) The prisoner received no major misconducts during the 2 years immediately preceding his or her release.
 - (c) The prisoner received no more than 3 minor misconducts 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.

(3) A certificate of employability shall only be issued within 30 days before the prisoner is released from a correctional facility under section 35 and is valid for 4 years after the date it is issued unless otherwise revoked by the department. The department shall revoke the certificate of employability if the prisoner commits any criminal offense during the 30-day period before release and may revoke the certificate of employability if the prisoner has any institutional misconduct during that period. The department shall revoke the certificate of employability of any individual who commits a felony after receiving a certificate of employability under this section and who is then placed under the jurisdiction of the department for committing that felony.

(4) The department shall provide an individual with an opportunity to file a grievance related to the revocation of a certificate of employability under subsection (3) through the department's prisoner grievance system. The revocation of a certificate of employability is effective when the individual is notified of the revocation.

(5) An individual shall not intentionally state or otherwise represent that he or she has a valid certificate of employability issued by the department knowing that the statement or representation is false. An individual who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(6) The revocation of a certificate of employability is for purposes of subsection (5) only and does not affect the right of an employer to rely on the validity of the certificate of employability unless the employer knew before the individual was employed that the certificate of employability was fraudulent.

(7) Upon request, the department shall confirm whether a certificate of employability has been issued to a named individual and whether the certificate is valid at the time of the inquiry and at the department's response to that inquiry.

(8) A certificate of employability under this section shall be on a form provided by the department.

(9) The department is not civilly liable for damages based upon its decision to issue or to deny issuance of a certificate of employability to any prisoner or for revoking or failing to revoke a certificate of employability issued to any prisoner.

Enacting section 1. This amendatory act takes effect January 1, 2015.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor