



HOUSE BILL No. 5206

October 5, 1995, Introduced by Reps. Perricone, Bush, Weeks, Jellema, Middaugh, Hill, McBryde, Goschka, Ryan, Gernaat and Green and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 34 of Act No. 232 of the Public Acts of 1953, entitled as amended

"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 prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; 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,"

as amended by Act No. 345 of the Public Acts of 1994, being section 791.234 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 34 of Act No. 232 of the Public Acts of
2 1953, as amended by Act No. 345 of the Public Acts of 1994, being
3 section 791.234 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 34. (1) Except as provided in section 34a, a prisoner
6 sentenced to an indeterminate sentence and confined in a state
7 correctional facility with a minimum in terms of years other than
8 a prisoner subject to disciplinary time is subject to the juris-
9 diction of the parole board when the prisoner has served a period
10 of time equal to the minimum sentence imposed by the court for
11 the crime of which he or she was convicted, less good time and
12 disciplinary credits, if applicable.

13 (2) Except as provided in section 34a, a prisoner subject to
14 disciplinary time sentenced to an indeterminate sentence and con-
15 fined in a state correctional facility with a minimum in terms of
16 years is subject to the jurisdiction of the parole board when the
17 prisoner has served a period of time equal to the minimum sen-
18 tence imposed by the court for the crime of which he or she was
19 convicted, plus any disciplinary time accumulated pursuant to
20 section 34 of Act No. 118 of the Public Acts of 1893, being sec-
21 tion 800.34 of the Michigan Compiled Laws.

22 (3) If a prisoner other than a prisoner subject to disci-
23 plinary time is sentenced for consecutive terms, whether received
24 at the same time or at any time during the life of the original
25 sentence, the parole board has jurisdiction over the prisoner for
26 purposes of parole when the prisoner has served the total time of

1 the added minimum terms, less the good time and disciplinary
2 credits allowed by statute. The maximum terms of the sentences
3 shall be added to compute the new maximum term under this subsec-
4 tion, and discharge shall be issued only after the total of the
5 maximum sentences has been served less good time and disciplinary
6 credits, unless the prisoner is paroled and discharged upon sat-
7 isfactory completion of the parole.

8 (4) If a prisoner subject to disciplinary time is sentenced
9 for consecutive terms, whether received at the same time or at
10 any time during the life of the original sentence, the parole
11 board has jurisdiction over the prisoner for purposes of parole
12 when the prisoner has served the total time of the added minimum
13 terms, plus any disciplinary time. The maximum terms of the sen-
14 tences shall be added to compute the new maximum term under this
15 subsection, and discharge shall be issued only after the total of
16 the maximum sentences has been served, unless the prisoner is
17 paroled and discharged upon satisfactory completion of the
18 parole.

19 (5) If a prisoner other than a prisoner subject to disci-
20 plinary time has 1 or more consecutive terms remaining to serve
21 in addition to the term he or she is serving, the parole board
22 may terminate the sentence the prisoner is presently serving at
23 any time after the minimum term of the sentence has been served.

24 (6) A prisoner ~~under sentence~~ SENTENCED TO IMPRISONMENT
25 for life or for a term of years, other than a prisoner sentenced
26 TO IMPRISONMENT for life for murder in the first degree, ~~or~~
27 ~~sentenced~~ TO IMPRISONMENT for life or for a minimum term of

1 imprisonment for a major controlled substance offense, OR TO
2 IMPRISONMENT FOR LIFE FOR A VIOLATION OF SECTION 316A OF THE
3 MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931,
4 BEING SECTION 750.316A OF THE MICHIGAN COMPILED LAWS, who has
5 served 10 calendar years of the sentence in the case of a pris-
6 oner sentenced for a crime committed before October 1, 1992, or
7 who has served 15 calendar years of the sentence in the case of a
8 prisoner sentenced for a crime committed on or after October 1,
9 1992, is subject to the jurisdiction of the parole board and may
10 be released on parole by the parole board, subject to the follow-
11 ing conditions:

12 (a) One member of the parole board shall interview the pris-
13 oner at the conclusion of 10 calendar years of the sentence and
14 every 5 years thereafter until ~~such time as~~ the prisoner is
15 paroled, discharged, or deceased. The interview schedule pre-
16 scribed in this subdivision applies to all prisoners to whom this
17 subsection is applicable, whether sentenced before, on, or after
18 ~~the effective date of the 1992 amendatory act that amended this~~
19 ~~subdivision~~ SEPTEMBER 22, 1992.

20 (b) A parole shall not be granted a prisoner ~~so~~ sentenced
21 AS DESCRIBED UNDER THIS SUBSECTION until after a public hearing
22 held in the manner prescribed for pardons and commutations in
23 ~~sections~~ SECTION 44(2)(f) to (h) and SECTION 45. Notice of the
24 public hearing shall be given to the sentencing judge, or the
25 judge's successor in office, and parole shall not be granted if
26 the sentencing judge, or the judge's successor in office, files
27 written objections to the granting of the parole within 30 days

1 of receipt of the notice of hearing. The written objections
2 shall be made part of the prisoner's file.

3 (c) A parole granted under this subsection shall be for a
4 period of not less than 4 years and subject to the usual rules
5 pertaining to paroles granted by the parole board. A parole
6 ordered under this subsection is not valid until the transcript
7 of the record is filed with the attorney general whose certifica-
8 tion of receipt of the transcript shall be returnable to the
9 office of the parole board within 5 days. Except for medical
10 records protected under section 2157 of the revised judicature
11 act of 1961, Act No. 236 of the Public Acts of 1961, being sec-
12 tion 600.2157 of the Michigan Compiled Laws, the file of a pris-
13 oner granted a parole under this subsection is a public record.

14 (d) A parole shall not be granted under this subsection in
15 the case of a prisoner who is otherwise prohibited by law from
16 parole consideration. In such cases the interview procedures in
17 section 44 shall be followed.

18 (7) Except as provided in section 34a, a prisoner's release
19 on parole is discretionary with the parole board. The action of
20 the parole board in granting or denying a parole is appealable by
21 the prisoner, the prosecutor of the county from which the pris-
22 oner was committed, or the victim of the crime for which the
23 prisoner was convicted. The appeal shall be to the circuit court
24 in the county from which the prisoner was committed, by leave of
25 the court.

26 (8) The provisions of this section regarding prisoners
27 subject to disciplinary time take effect beginning on the

1 effective date of Act No. 217 of the Public Acts of 1994, as
2 prescribed in enacting section 2 of that amendatory act.

3 Section 2. This amendatory act shall not take effect unless
4 Senate Bill No. _____ or House Bill No. 5207 (request
5 no. 05278'95 a) of the 88th Legislature is enacted into law.