



SENATE BILL No. 292

February 16, 1995, Introduced by Senators BERRYMAN, KOIVISTO, HART, CHERRY, MILLER, DEBEAUSSAERT, PETERS and DINGELL and referred to the Committee on Judiciary.

A bill to amend section 33 of Act No. 118 of the Public Acts of 1893, entitled as amended

"An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,"

as amended by Act No. 218 of the Public Acts of 1994, being section 800.33 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 33 of Act No. 118 of the Public Acts of
2 1893, as amended by Act No. 218 of the Public Acts of 1994, being
3 section 800.33 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 33. (1) A record of all major misconduct charges for
6 which a prisoner has been found guilty shall be maintained and
7 given to the parole board as part of the parole eligibility

1 report prepared for each prisoner pursuant to section 35 of Act
2 No. 232 of the Public Acts of 1953, being section 791.235 of the
3 Michigan Compiled Laws.

4 (2) Except as otherwise provided in this section, a prisoner
5 who is serving a sentence for a crime committed before April 1,
6 1987, and who has not been found guilty of a major misconduct or
7 had a violation of the laws of this state recorded against him or
8 her shall receive a reduction from his or her sentence as
9 follows:

10 (a) During the first and second years of his or her sen-
11 tence, 5 days for each month.

12 (b) During the third and fourth years, 6 days for each
13 month.

14 (c) During the fifth and sixth years, 7 days for each
15 month.

16 (d) During the seventh, eighth, and ninth years, 9 days for
17 each month.

18 (e) During the tenth, eleventh, twelfth, thirteenth, and
19 fourteenth years, 10 days for each month.

20 (f) During the fifteenth, sixteenth, seventeenth, eigh-
21 teenth, and nineteenth years, 12 days for each month.

22 (g) From and including the twentieth year, up to and includ-
23 ing the period fixed for the expiration of the sentence, 15 days
24 for each month.

25 (3) Except as provided in section 34, all prisoners serving
26 a sentence for a crime that was committed on or after April 1,
27 1987 are eligible to earn disciplinary and special disciplinary

1 credits as provided in subsection (5). Disciplinary credits
2 shall be earned, forfeited, and restored as provided in this
3 section. Accumulated disciplinary credits shall be deducted from
4 a prisoner's minimum and maximum sentence in order to determine
5 his or her parole eligibility date and discharge date.

6 (4) This section shall not be construed to allow good time,
7 disciplinary credits, or special disciplinary credits in cases of
8 commuted sentences unless so stipulated in the executive order
9 commuting the sentence.

10 (5) Except as provided in section 34, all prisoners serving
11 a sentence on December 30, 1982, or incarcerated after
12 December 30, 1982, for the conviction of a crime enumerated in
13 section 33b(a) to (cc) of Act No. 232 of the Public Acts of 1953,
14 being section 791.233b of the Michigan Compiled Laws, are eligi-
15 ble to earn a disciplinary credit of 5 days per month for each
16 month served after December 30, 1982. Accumulated disciplinary
17 credits shall be deducted from a prisoner's minimum and maximum
18 sentence in order to determine his or her parole eligibility
19 dates.

20 A prisoner shall not earn disciplinary credits under this
21 subsection during any month in which the prisoner is found guilty
22 of having committed a major misconduct. The amount of disci-
23 plinary credits not earned as a result of being found guilty of a
24 major misconduct shall be limited to the disciplinary credits
25 that would have been earned for the month in which the major mis-
26 conduct occurred. Any disciplinary credits not earned as a
27 result of the prisoner being found guilty of a major misconduct

1 shall never be earned or restored. The warden may order that a
2 prisoner found guilty of a major misconduct, including but not
3 limited to charges of rioting, inciting to riot, escape, homi-
4 cide, or assault and battery, forfeit all or a portion of the
5 disciplinary credits accumulated prior to the month in which the
6 misconduct occurred. An order forfeiting accumulated disci-
7 plinary credits shall be based upon a review of the prisoner's
8 institutional record.

9 The disciplinary credit committee, which is comprised of the
10 prisoner's resident unit manager, custody officers in the resi-
11 dent unit with direct supervisory responsibilities over the pris-
12 oner, and the appropriate work or school assignment supervisor,
13 shall be a part of the reclassification process and shall review,
14 at least annually, the status of each prisoner in the housing
15 unit who has forfeited disciplinary credits. The committee may
16 recommend to the warden whether any forfeited disciplinary cred-
17 its should be restored to the prisoner.

18 In addition to disciplinary credits, a prisoner eligible for
19 disciplinary credits under this subsection may be awarded 2 days
20 per month special disciplinary credits for good institutional
21 conduct on the recommendation of the disciplinary credit commit-
22 tee and the concurrence of the warden based on an annual review
23 of the prisoner's institutional record. Special disciplinary
24 credits shall not be awarded for any month in which a prisoner
25 has been found guilty of a major misconduct.

26 The department of corrections shall promulgate rules
27 pursuant to the administrative procedures act of 1969, Act

1 No. 306 of the Public Acts of 1969, being sections 24.201 to
2 24.328 of the Michigan Compiled Laws, necessary to implement this
3 subsection not more than 180 days after December 30, 1982.

4 (6) On and after April 1, 1987, a prisoner shall not earn
5 good time under this section during any month in which the pris-
6 oner is found guilty of having committed a major misconduct. The
7 amount of good time not earned as a result of being found guilty
8 of a major misconduct shall be limited to the amount of good time
9 that would have been earned during the month in which the major
10 misconduct occurred. Any good time not earned as a result of the
11 prisoner being found guilty of a major misconduct shall never be
12 earned or restored.

13 (7) The department of corrections shall promulgate rules
14 pursuant to Act No. 306 of the Public Acts of 1969, prescribing
15 how much of his or her accumulated good time or accumulated dis-
16 ciplinary credits the prisoner may forfeit if found guilty of 1
17 or more major misconducts.

18 (8) The warden may order that a prisoner found guilty of a
19 major misconduct forfeit all or a portion of the good time accu-
20 mulated prior to the month in which the misconduct occurred.

21 (9) The good time committee, which is comprised of the
22 prisoner's resident unit manager, custody officer in the resident
23 unit with direct supervisory responsibility over the prisoner,
24 and the appropriate work or school assignment supervisor, shall
25 be part of the reclassification process. The good time committee
26 shall recommend to the warden the amount of special good time to

1 be awarded and the restoration of any accumulated good time that
2 has been forfeited.

3 (10) The warden, as a reward for good conduct, may restore
4 to a prisoner the whole or any portion of the good time or disci-
5 plinary credits forfeited because of a finding of guilty for a
6 major misconduct. However, forfeited good time or disciplinary
7 credits shall not be restored without the recommendation of the
8 disciplinary credit committee or good time committee and the
9 prior written approval of the deputy director in charge of the
10 bureau of correctional facilities or the deputy director in
11 charge of the bureau of field services. Disciplinary credits or
12 good time allowances that have not been earned because of insti-
13 tutional misconduct shall not be restored.

14 (11) A prisoner who has been sentenced concurrently for sep-
15 arate convictions shall have his or her good time or disciplinary
16 credits computed on the basis of the longest of the concurrent
17 sentences. If a prisoner is serving consecutive sentences for
18 separate convictions, his or her good time or disciplinary cred-
19 its shall be computed and accumulated on each sentence individu-
20 ally and all good time or disciplinary credits that have been
21 earned on any of the sentences shall be subject to forfeiture
22 pursuant to subsections (5) and (8).

23 (12) The warden of an institution may grant special good
24 time allowances to eligible prisoners who are convicted of a
25 crime that is committed before April 1, 1987. Special good time
26 credit shall not exceed 50% of the good time allowances under the
27 schedule in subsection (2). Special good time shall be awarded

1 for good conduct only and shall not be awarded for any month in
2 which a prisoner has been found guilty of a major misconduct.

3 (13) The parole board ~~shall be~~ IS exclusively empowered to
4 cause the forfeiture of good time or disciplinary credits earned
5 by a prisoner at the time of a parole violation.

6 (14) A prisoner subject to disciplinary time is not eligible
7 for good time, special good time, disciplinary credits, or spe-
8 cial disciplinary credits.

9 (15) A PRISONER SERVING A SENTENCE FOR A SPECIFIED FELONY AS
10 DEFINED IN SECTION 10A OF CHAPTER IX OF THE CODE OF CRIMINAL PRO-
11 CEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING
12 SECTION 769.10A OF THE MICHIGAN COMPILED LAWS, IS NOT ELIGIBLE
13 FOR GOOD TIME, SPECIAL GOOD TIME, DISCIPLINARY CREDITS, OR SPE-
14 CIAL DISCIPLINARY CREDITS.

15 (16) THE PROVISIONS OF THIS SECTION REGARDING PRISONERS
16 SUBJECT TO DISCIPLINARY TIME TAKE EFFECT BEGINNING ON THE EFFEC-
17 TIVE DATE OF ACT NO. 217 OF THE PUBLIC ACTS OF 1994, AS PRE-
18 SCRIBED IN ENACTING SECTION 2 OF THAT AMENDATORY ACT.