

HOUSE BILL No. 4265

February 11, 1997, Introduced by Reps. Gire, Hale, DeHart, McBryde, Schauer, Callahan, Martinez, LaForge, Goschka and Perricone and referred to the Committee on Corrections.

A bill 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 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,"

by amending section 36 (MCL 791.236), as amended by 1994 PA 287.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 36. (1) All paroles shall be ordered by the parole
2 board and shall be signed by the chairperson. Written notice of

1 the order shall be given to the sheriff or other police officer
2 of the municipality or county in which the prisoner was con-
3 victed, and to the sheriff or other local police officer of the
4 municipality or county to which the paroled prisoner is sent.

5 (2) An order of parole may be amended or rescinded at the
6 discretion of the parole board for cause. If a paroled prisoner
7 who is required to register pursuant to the sex offenders regis-
8 tration act, 1994 PA 295, MCL 28.721 TO 28.732, willfully vio-
9 lates that act, the parole board shall rescind the parole. A
10 parole shall not be rescinded unless an interview is conducted by
11 1 member of the parole board. The purpose of the interview is to
12 consider and act upon information received by the board after the
13 original parole release decision. A rescission interview shall
14 be conducted within 45 days after receiving the new information.
15 At least 10 days before the interview, the parolee shall receive
16 a copy or summary of the new evidence that is the basis for the
17 interview. An amendment to a parole order shall be in writing
18 and is not effective until notice of the amendment is given to
19 the parolee.

20 (3) When an order for parole is issued, the order shall con-
21 tain the conditions of the parole and shall specifically provide
22 proper means of supervision of the paroled prisoner in accordance
23 with the rules of the ~~bureau of field services~~ DEPARTMENT. THE
24 ORDER OF PAROLE SHALL INCLUDE 1 OF THE FOLLOWING LEVELS OF
25 SUPERVISION:

26 (A) MOST RESTRICTIVE, IN WHICH THE PRISONER IS REQUIRED TO
27 HAVE 5 IN-PERSON CONTACTS WITH A PAROLE OFFICER EACH WEEK.

1 (B) LESS RESTRICTIVE, IN WHICH THE PRISONER IS REQUIRED TO
2 HAVE 2 IN-PERSON CONTACTS WITH A PAROLE OFFICER EACH WEEK.

3 (C) LEAST RESTRICTIVE, IN WHICH THE PRISONER IS REQUIRED TO
4 HAVE 1 IN-PERSON CONTACT WITH A PAROLE OFFICER EACH WEEK.

5 (4) The order of parole shall contain a condition to pay
6 restitution to the victim of the prisoner's crime or the victim's
7 estate if the prisoner was ordered to make restitution pursuant
8 to the crime victim's rights act, ~~Act No. 87 of the Public Acts~~
9 ~~of 1985, being sections 780.751 to 780.834 of the Michigan~~
10 ~~Compiled Laws~~ 1985 PA 87, MCL 780.751 TO 780.834, or the code of
11 criminal procedure, ~~Act No. 175 of the Public Acts of 1927,~~
12 ~~being sections 760.1 to 776.21 of the Michigan Compiled Laws~~
13 1927 PA 175, MCL 760.1 TO 776.22.

14 (5) The order of parole shall contain a condition requiring
15 the parolee to pay a parole supervision fee as prescribed in
16 section 36a.

17 (6) The order of parole shall contain a condition requiring
18 the parolee to pay any assessment the prisoner was ordered to pay
19 pursuant to section 5 of ~~Act No. 196 of the Public Acts of 1989,~~
20 ~~being section 780.905 of the Michigan Compiled Laws~~ 1989 PA 196,
21 MCL 780.905.

22 (7) If the parolee is required to be registered under the
23 sex offenders registration act, 1994 PA 295, MCL 28.721 TO
24 28.732, the order of parole shall contain a condition requiring
25 the parolee to comply with that act.

26 (8) An order of parole issued for a prisoner subject to
27 disciplinary time shall contain a condition requiring the parolee

1 to be housed in a community corrections center or a community
2 residential home for not less than the first 30 days but not more
3 than the first 180 days of his or her term of parole. As used in
4 this subsection, "community corrections center" and "community
5 residential home" mean those terms as defined in section 65a.
6 This subsection applies beginning on the ~~date that sentencing~~
7 ~~guidelines are enacted into law after the sentencing commission~~
8 ~~submits its report to the secretary of the senate and the clerk~~
9 ~~of the house of representatives pursuant to sections 31 to 34 of~~
10 ~~chapter IX of the code of criminal procedure, Act No. 175 of the~~
11 ~~Public Acts of 1927, as added by the amendatory act resulting~~
12 ~~from Enrolled House Bill No. 4782 of the 87th Legislature~~
13 EFFECTIVE DATE OF 1994 PA 217, AS PRESCRIBED IN ENACTING
14 SECTION 2 OF THAT AMENDATORY ACT.

15 (9) In each case in which payment of restitution is ordered
16 as a condition of parole, a parole officer assigned to a case
17 shall review the case not less than twice yearly to ensure that
18 restitution is being paid as ordered. The final review shall be
19 conducted not less than 60 days before the expiration of the
20 parole period. If the parole officer determines that restitution
21 is not being paid as ordered, the parole officer shall file a
22 written report of the violation with the parole board on a form
23 prescribed by the parole board. The report shall include a
24 statement of the amount of arrearage and any reasons for the
25 arrearage known by the parole officer. The parole board shall
26 immediately provide a copy of the report to the court, the
27 prosecuting attorney, and the victim.

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1 (10) If a parolee is required to register pursuant to the
2 sex offenders registration act, 1994 PA 295, MCL 28.721 TO
3 28.732, the parole officer shall register the parolee as provided
4 in that act.