

**SENATE BILL NO. 190**

February 2, 1999, Introduced by Senator JAYE and referred to the Committee on Judiciary.

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 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 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 33 (MCL 791.233), as amended by 1998 PA 320.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 33. (1) The grant of a parole is subject to all of the  
2 following:

3           (a) A prisoner shall not be given liberty on parole until  
4 the board has reasonable assurance, after consideration of all of  
5 the facts and circumstances, including the prisoner's mental and  
6 social attitude, that the prisoner will not become a menace to  
7 society or to the public safety.

8           (b) Except as provided in section 34a, a parole shall not be  
9 granted to a prisoner other than a prisoner subject to disci-  
10 plinary time until the prisoner has served the minimum term  
11 imposed by the court less allowances for good time or special  
12 good time to which the prisoner may be entitled by statute,  
13 except that a prisoner other than a prisoner subject to disci-  
14 plinary time is eligible for parole before the expiration of his  
15 or her minimum term of imprisonment whenever the sentencing  
16 judge, or the judge's successor in office, gives written approval  
17 of the parole of the prisoner before the expiration of the mini-  
18 mum term of imprisonment.

19           (c) Except as provided in section 34a, and notwithstanding  
20 the provisions of subdivision (b), a parole shall not be granted  
21 to a prisoner other than a prisoner subject to disciplinary time  
22 sentenced for the commission of a crime described in  
23 section 33b(a) to (cc) until the prisoner has served the minimum  
24 term imposed by the court less an allowance for disciplinary  
25 credits as provided in section 33(5) of 1893 PA 118, MCL 800.33.  
26 A prisoner described in this subdivision is not eligible for  
27 special parole.

1 (d) Except as provided in section 34a, a parole shall not be  
2 granted to a prisoner subject to disciplinary time until the  
3 prisoner has served the minimum term imposed by the court.

4 (e) A prisoner shall not be released on parole until the  
5 parole board has satisfactory evidence that arrangements have  
6 been made for such honorable and useful employment as the pris-  
7 oner is capable of performing, for the prisoner's education, or  
8 for the prisoner's care if the prisoner is mentally or physically  
9 ill or incapacitated.

10 (f) A prisoner whose minimum term of imprisonment is 2 years  
11 or more shall not be released on parole unless he or she has  
12 either earned a high school diploma or earned its equivalent in  
13 the form of a general education development (GED) certificate.  
14 The director of the department may waive the restriction imposed  
15 by this subdivision as to any prisoner who is over the age of 65  
16 or who was gainfully employed immediately before committing the  
17 crime for which he or she was incarcerated. The department of  
18 corrections may also waive the restriction imposed by this subdivi-  
19 sion as to any prisoner who has a learning disability, who does  
20 not have the necessary proficiency in English, or who for some  
21 other reason that is not the fault of the prisoner is unable to  
22 successfully complete the requirements for a high school diploma  
23 or a general education development certificate. If the prisoner  
24 does not have the necessary proficiency in English, the depart-  
25 ment of corrections shall provide English language training for  
26 that prisoner necessary for the prisoner to begin working toward  
27 the completion of the requirements for a general education

1 development certificate. This subdivision applies to prisoners  
2 sentenced for crimes committed after December 15, 1998. In pro-  
3 viding an educational program leading to a high school degree or  
4 general education development certificate, the department shall  
5 give priority to prisoners sentenced for crimes committed on or  
6 before December 15, 1998.

7 (G) A PRISONER WHO IS SERVING A TERM OF IMPRISONMENT FOR  
8 CRIMINAL SEXUAL CONDUCT SHALL NOT BE PAROLED UNLESS THE PRISONER  
9 SUBMITS TO CHEMICAL CASTRATION. AS USED IN THIS SUBDIVISION,  
10 "CHEMICAL CASTRATION" MEANS TREATMENT WITH DEPO-PROVERA OR AN  
11 EQUIVALENT TREATMENT.

12 (2) Paroles-in-custody to answer warrants filed by local or  
13 out-of-state agencies, or immigration officials, are permissible  
14 if an accredited agent of the agency filing the warrant calls for  
15 the prisoner to be paroled in custody.

16 (3) Pursuant to the administrative procedures act of 1969,  
17 1969 PA 306, MCL 24.201 to 24.328, the parole board may promul-  
18 gate rules not inconsistent with this act with respect to condi-  
19 tions to be imposed upon prisoners paroled under this act.