

HOUSE BILL No. 4673

April 25, 2001, Introduced by Rep. O'Neil and referred to the Committee on Criminal Justice.

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 65 (MCL 791.265), as amended by 1998 PA 512.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 65. (1) Under rules promulgated by the director of the
2 department, the assistant director in charge of the bureau of
3 correctional facilities, except as otherwise provided in this
4 section, may cause the transfer or re-transfer of a prisoner from
5 a correctional facility to which committed to any other correc-
6 tional facility, or temporarily to a state institution for medi-
7 cal or surgical treatment. In effecting a transfer, the assist-
8 ant director of the bureau of correctional facilities may utilize
9 the services of an executive or employee within the department
10 and of a law enforcement officer of the state.

11 (2) ~~—A—~~ SUBJECT TO SUBSECTION (3), A prisoner who is subject
12 to disciplinary time and is committed to the jurisdiction of the
13 department shall be confined in a secure correctional facility
14 for the duration of his or her minimum sentence, except for peri-
15 ods when the prisoner is away from the secure correctional facil-
16 ity while being supervised by an employee of the department or by
17 an employee of a private vendor that operates a youth correc-
18 tional facility under section 20g for 1 of the following
19 purposes:

- 20 (a) Visiting a critically ill relative.
21 (b) Attending the funeral of a relative.
22 (c) Obtaining medical services not otherwise available at
23 the secure correctional facility.
24 (d) Participating in a work detail.

25 (3) SUBSECTION (2) DOES NOT PREVENT A PRISONER SUBJECT TO
26 DISCIPLINARY TIME FROM BEING PLACED ON PAROLE UNDER SECTION
27 34A(7) BEFORE THE EXPIRATION OF HIS OR HER MINIMUM SENTENCE IF

1 THAT PRISONER IS PLACED IN, AND SUCCESSFULLY COMPLETES, A PROGRAM
2 OF SPECIAL ALTERNATIVE INCARCERATION AS DESCRIBED IN SECTION 34A.

3 (4) ~~-(3)-~~ As used in this section, "offender" means a citi-
4 zen of the United States or a foreign country who has been con-
5 victed of a crime and been given a sentence in a country other
6 than the country of which he or she is a citizen. If a treaty is
7 in effect between the United States and a foreign country, which
8 provides for the transfer of offenders from the jurisdiction of 1
9 of the countries to the jurisdiction of the country of which the
10 offender is a citizen, and if the offender requests the transfer,
11 the governor of this state or a person designated by the governor
12 may give the approval of this state to a transfer of an offender,
13 if the conditions of the treaty are satisfied.

14 (5) ~~-(4)-~~ Not less than 45 days before approval of a trans-
15 fer pursuant to subsection ~~-(3)-~~ (4) from this state to another
16 country, the governor, or the governor's designee, shall notify
17 the sentencing judge and the prosecuting attorney of the county
18 having original jurisdiction, or their successors in office, of
19 the request for transfer. The notification shall indicate any
20 name changes of the offender subsequent to sentencing. Within 20
21 days after receiving such notification, the judge or prosecutor
22 may send to the governor, or the governor's designee, information
23 about the criminal action against the offender or objections to
24 the transfer. Objections to the transfer shall not preclude
25 approval of the transfer.

26 (6) ~~-(5)-~~ As used in this section, "secure correctional
27 facility" means a facility that houses prisoners under the

1 jurisdiction of the department according to the following
2 requirements:

3 (a) The facility is enclosed by a locked fence or wall that
4 is designed to prevent prisoners from leaving the enclosed
5 premises and that is patrolled by correctional officers.

6 (b) Prisoners in the facility are restricted to the area
7 inside the fence or wall.

8 (c) Prisoners are under guard by correctional officers 7
9 days per week, 24 hours per day.