HOUSE BILL No. 6690

November 30, 2006, Introduced by Reps. Condino and Tobocman and referred to the
  Committee on Judiciary.

    A bill to amend 1953 PA 232, entitled

"Corrections code of 1953,"

by amending section 36 (MCL 791.236), as amended by 2006 PA 316.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 36. (1) All paroles shall be ordered by the parole board

2 and shall be signed by the chairperson. Written notice of the order

3 shall be given to the sheriff or other police officer of the

4 municipality or county in which the prisoner was convicted, and to

5 the sheriff or other local police officer of the municipality or

6 county to which the paroled prisoner is sent.

7   (2) A parole order may be rescinded at the discretion of the

8 parole board for cause before the prisoner is released on parole. A

9 parole shall not be rescinded unless an interview with the prisoner

1 is conducted by 1 member of the parole board. The purpose of the

2 interview is to consider and act upon information received by the

3 board after the original parole release decision. A rescission

4 interview shall be conducted within 45 days after receiving the new

5 information. At least 10 days before the interview, the parolee

6 shall receive a copy or summary of the new evidence that is the

7 basis for the interview.

8   (3) A parole order may be amended at the discretion of the

9 parole board for cause. An amendment to a parole order shall be in

10 writing and is not effective until notice of the amendment is given

11 to the parolee.

12   (4) When a parole order is issued, the order shall contain the

13 conditions of the parole and shall specifically provide proper

14 means of supervision of the paroled prisoner in accordance with the

15 rules of the bureau of field services.

16   (5) The parole order shall contain a condition to pay

17 restitution to the victim of the prisoner's crime or the victim's

18 estate if the prisoner was ordered to make restitution pursuant to

19 the William Van Regenmorter crime victim's rights act, 1985 PA 87,

20 MCL 780.751 to 780.834, or the code of criminal procedure, 1927 PA

21 175, MCL 760.1 to 777.69.

22   (6) The parole order shall contain a condition requiring the

23 parolee to pay a parole supervision fee as prescribed in section

24 36a.

25   (7) The parole order shall contain a condition requiring the

26 parolee to pay any assessment the prisoner was ordered to pay

27 pursuant to section 5 of 1989 PA 196, MCL 780.905.

1   (8) The parole order shall contain a condition requiring the

2   parolee to pay the minimum state cost prescribed by section 1j of

3   chapter IX of the code of criminal procedure, 1927 PA 175, MCL

4   769.1j, if the minimum state cost has not been paid.

5   (9) If the parolee is required to be registered under the sex

6   offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the

7   parole order shall contain a condition requiring the parolee to

8   comply with that act.

9   (10) If a prisoner convicted of violating or conspiring to

10   violate section 7401(2)(a)(*i*) or (*ii*) or 7403(2)(a)(*i*) or (*ii*) of the

11   public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is

12   released on parole, the parole order shall contain a notice that if

13   the parolee violates or conspires to violate article 7 of the

14   public health code, 1978 PA 368, MCL 333.7101 to 333.7545, and that

15   violation or conspiracy to violate is punishable by imprisonment

16   for 4 or more years, or commits a violent felony during his or her

17   release on parole, parole shall be rescinded.

18   (11) A parole order issued for a prisoner subject to

19   disciplinary time may contain a condition requiring the parolee to

20   be housed in a community corrections center or a community

21   residential home for not less than the first 30 days but not more

22   than the first 180 days of his or her term of parole. As used in

23   this subsection, "community corrections center" and "community

24   residential home" mean those terms as defined in section 65a.

25   (12) The parole order shall contain a condition requiring the

26   parolee to pay the following amounts owed by the prisoner, if

27   applicable:

1   (a) The balance of filing fees and costs ordered to be paid

2 under section 2963 of the revised judicature act of 1961, 1961 PA

3 236, MCL 600.2963.

4   (b) The balance of any filing fee ordered to be paid by a

5 federal court under section 1915 of title 28 of the United States

6 Code, 28 USC 1915 and any unpaid order of costs assessed against

7 the prisoner.

8   (13) In each case in which payment of restitution is ordered

9 as a condition of parole, a parole officer assigned to a case shall

10 review the case not less than twice yearly to ensure that

11 restitution is being paid as ordered. The final review shall be

12 conducted not less than 60 days before the expiration of the parole

13 period. If the parole officer determines that restitution is not

14 being paid as ordered, the parole officer shall file a written

15 report of the violation with the parole board on a form prescribed

16 by the parole board. The report shall include a statement of the

17 amount of arrearage and any reasons for the arrearage known by the

18 parole officer. The parole board shall immediately provide a copy

19 of the report to the court, the prosecuting attorney, and the

20 victim.

21   (14) If a parolee is required to register pursuant to the sex

22 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the

23 parole officer shall register the parolee as provided in that act.

24   (15) Beginning August 28, 2006, if a parolee convicted of

25 violating or conspiring to violate section 520b or 520c of the

26 Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, other

27 than a parolee who is subject to lifetime electronic monitoring

1 under section 85, is placed on parole, the parole board may require

2 that the parolee be subject to electronic monitoring. The

3 electronic monitoring required under this subsection shall be

4 conducted in the same manner, and shall be subject to the same

5 requirements, as is described in section 85 of this act and section

6 520n(2) of the Michigan penal code, 1931 PA 328, MCL 750.520n,

7 except as follows:

8   (a) The electronic monitoring shall continue only for the

9 duration of the term of parole.

10   (b) A violation by the parolee of any requirement prescribed

11 in section 520n(2)(a) to (c) is a violation of a condition of

12 parole, not a felony violation.

13   (16) If the parole order contains a condition intended to

14 protect 1 or more named persons, the department shall enter those

15 provisions of the parole order into the corrections management

16 information system, accessible by the law enforcement information

17 network. If the parole board rescinds a parole order described in

18 this subsection, the department within 3 business days shall remove

19 from the corrections management information system the provisions

20 of that parole order.

21   **(17) A PAROLE ORDER FOR A PRISONER WHO IS SERVING A SENTENCE**

22 **FOR VIOLATING SECTION 411I OF THE MICHIGAN PENAL CODE, 1931 PA 328,**

23 **MCL 750.411I (AGGRAVATED STALKING), SHALL REQUIRE THAT THE**

24 **PRISONER'S LOCATION BE MONITORED BY A GLOBAL POSITIONING MONITORING**

25 **SYSTEM DURING THE ENTIRE PERIOD OF THE PRISONER'S PAROLE. AS USED**

26 **IN THIS SUBSECTION, "GLOBAL POSITIONING MONITORING SYSTEM" MEANS A**

27 **SYSTEM THAT ELECTRONICALLY DETERMINES AND REPORTS THE LOCATION OF**

1 **AN INDIVIDUAL BY MEANS OF AN ANKLE BRACELET TRANSMITTER OR SIMILAR**

2 **DEVICE WORN BY THE INDIVIDUAL, WHICH TRANSMITS LATITUDE AND**

3 **LONGITUDE DATA TO MONITORING AUTHORITIES THROUGH GLOBAL POSITIONING**

4 **SATELLITE TECHNOLOGY.**

5 **(18)** ~~(17)~~ As used in this section, "violent felony" means an

6 offense against a person in violation of section 82, 83, 84, 86,

7 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,

8 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA

9 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,

10 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,

11 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,

12 750.529a, and 750.530.