

HOUSE BILL No. 5321

October 16, 2007, Introduced by Reps. Amos, Knollenberg, Opsommer, David Law, Gaffney, Hune, Rick Jones, Steil, Stahl, Wenke, LaJoy, Marleau and Garfield 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 403.

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.

1 (2) A parole order may be rescinded at the discretion of the
2 parole board for cause before the prisoner is released on parole. A
3 parole shall not be revoked unless an interview with the prisoner
4 is conducted by 1 member of the parole board. The purpose of the
5 interview is to consider and act upon information received by the
6 board after the original parole release decision. A revocation
7 interview shall be conducted within 45 days after receiving the new
8 information. At least 10 days before the interview, the parolee
9 shall receive a copy or summary of the new evidence that is the
10 basis for the interview.

11 (3) A parole order may be amended at the discretion of the
12 parole board for cause. An amendment to a parole order shall be in
13 writing and is not effective until notice of the amendment is given
14 to the parolee.

15 (4) When a parole order is issued, the order shall contain the
16 conditions of the parole and shall specifically provide proper
17 means of supervision of the paroled prisoner in accordance with the
18 rules of the bureau of field services.

19 (5) The parole order shall contain a condition to pay
20 restitution to the victim of the prisoner's crime or the victim's
21 estate if the prisoner was ordered to make restitution pursuant to
22 the William Van Regenmorter crime victim's rights act, 1985 PA 87,
23 MCL 780.751 to 780.834, or the code of criminal procedure, 1927 PA
24 175, MCL 760.1 to 777.69.

25 (6) The parole order shall contain a condition requiring the
26 parolee to pay a parole supervision fee as prescribed in section
27 36a.

1 (7) The parole order shall contain a condition requiring the
2 parolee to pay any assessment the prisoner was ordered to pay
3 pursuant to section 5 of 1989 PA 196, MCL 780.905.

4 (8) The parole order shall contain a condition requiring the
5 parolee to pay the minimum state cost prescribed by section 1j of
6 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
7 769.1j, if the minimum state cost has not been paid.

8 (9) If the parolee is required to be registered under the sex
9 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the
10 parole order shall contain a condition requiring the parolee to
11 comply with that act.

12 (10) If a prisoner convicted of violating or conspiring to
13 violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the
14 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is
15 released on parole, the parole order shall contain a notice that if
16 the parolee violates or conspires to violate article 7 of the
17 public health code, 1978 PA 368, MCL 333.7101 to 333.7545, and that
18 violation or conspiracy to violate is punishable by imprisonment
19 for 4 or more years, or commits a violent felony during his or her
20 release on parole, parole shall be revoked.

21 (11) A parole order issued for a prisoner subject to
22 disciplinary time may contain a condition requiring the parolee to
23 be housed in a community corrections center or a community
24 residential home for not less than the first 30 days but not more
25 than the first 180 days of his or her term of parole. As used in
26 this subsection, "community corrections center" and "community
27 residential home" mean those terms as defined in section 65a.

1 (12) The parole order shall contain a condition requiring the
2 parolee to pay the following amounts owed by the prisoner, if
3 applicable:

4 (a) The balance of filing fees and costs ordered to be paid
5 under section 2963 of the revised judicature act of 1961, 1961 PA
6 236, MCL 600.2963.

7 (b) The balance of any filing fee ordered to be paid by a
8 federal court under section 1915 of title 28 of the United States
9 Code, 28 USC 1915 and any unpaid order of costs assessed against
10 the prisoner.

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

24 (14) If a parolee is required to register pursuant to the sex
25 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the
26 parole officer shall register the parolee as provided in that act.

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

1 violating or conspiring to violate section 520b or 520c of the
2 Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, other
3 than a parolee who is subject to lifetime electronic monitoring
4 under section 85, is placed on parole, the parole board may require
5 that the parolee be subject to electronic monitoring. The
6 electronic monitoring required under this subsection shall be
7 conducted in the same manner, and shall be subject to the same
8 requirements, as is described in section 85 of this act and section
9 520n(2) of the Michigan penal code, 1931 PA 328, MCL 750.520n,
10 except as follows:

11 (a) The electronic monitoring shall continue only for the
12 duration of the term of parole.

13 (b) A violation by the parolee of any requirement prescribed
14 in section 520n(2) (a) to (c) is a violation of a condition of
15 parole, not a felony violation.

16 (16) If the parole order contains a condition intended to
17 protect 1 or more named persons, the department shall enter those
18 provisions of the parole order into the corrections management
19 information system, accessible by the law enforcement information
20 network. If the parole board rescinds a parole order described in
21 this subsection, the department within 3 business days shall remove
22 from the corrections management information system the provisions
23 of that parole order.

24 (17) Each prisoner who is required to be registered under the
25 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,
26 before being released on parole or being released upon completion
27 of his or her maximum sentence, shall provide to the department

1 notice of the location of his or her proposed place of residence or
2 domicile. The department then shall forward that notice of location
3 to the appropriate law enforcement agency as required under section
4 5(2) of the sex offenders registration act, 1994 PA 295, MCL
5 28.725. A prisoner who refuses to provide notice of the location of
6 his or her proposed place of residence or domicile or knowingly
7 provides an incorrect notice of the location of his or her proposed
8 place of residence or domicile under this subsection is guilty of a
9 felony punishable by imprisonment for not more than 4 years or a
10 fine of not more than \$2,000.00, or both.

11 (18) IN ADDITION TO ANY OTHER REQUIREMENTS FOR THE PROPER
12 SUPERVISION OF THE PAROLEE, THE PAROLE ORDER SHALL PROHIBIT A
13 PAROLEE DESCRIBED IN THIS SUBSECTION FROM PARTICIPATING IN ANY WAY
14 IN ACTIVITIES TRADITIONALLY CONDUCTED DURING THE EVENING OF
15 HALLOWEEN, INCLUDING DISTRIBUTING CANDY OR OTHER ITEMS TO CHILDREN.
16 THE PAROLE ORDER ALSO SHALL PROHIBIT THE PAROLEE FROM LEAVING ANY
17 EXTERIOR LIGHTS ON AT THE PAROLEE'S RESIDENCE OR DOING ANYTHING
18 ELSE THAT WOULD CONVEY THE IMPRESSION THAT THE RESIDENCE IS
19 OCCUPIED DURING EACH OCTOBER 31 OCCURRING DURING THE PAROLE PERIOD
20 BETWEEN THE HOURS OF 6 P.M. AND 8 P.M. OR DURING ANY OTHER DATE OR
21 TIME DESIGNATED BY THE MUNICIPALITY IN WHICH THE PAROLEE RESIDES AS
22 BEING THE PERIOD FOR THE OBSERVANCE OF HALLOWEEN IN THAT
23 MUNICIPALITY. THIS SUBSECTION APPLIES TO A PRISONER SERVING A
24 SENTENCE FOR A VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE
25 FOLLOWING:

26 (A) SECTION 158 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
27 750.158 (SODOMY), IF THE VICTIM IS LESS THAN 18 YEARS OF AGE.

1 (B) SECTION 335A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
2 750.335A (INDECENT EXPOSURE), IF THE VICTIM IS LESS THAN 18 YEARS
3 OF AGE.

4 (C) SECTION 350 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
5 750.350 (LEADING, TAKING, CARRYING AWAY, DECOYING, OR ENTICING AWAY
6 CHILD UNDER 14 YEARS OF AGE).

7 (D) SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
8 750.520B (FIRST DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
9 LESS THAN 18 YEARS OF AGE.

10 (E) SECTION 520C OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
11 750.520C (SECOND DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
12 LESS THAN 18 YEARS OF AGE.

13 (F) SECTION 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
14 750.520D (THIRD DEGREE CRIMINAL SEXUAL CONDUCT), IF THE VICTIM IS
15 LESS THAN 18 YEARS OF AGE.

16 (G) SECTION 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
17 750.520G (ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT),
18 IF THE VICTIM IS LESS THAN 18 YEARS OF AGE.

19 (H) A LAW OF THE UNITED STATES, ANOTHER STATE, OR A POLITICAL
20 SUBDIVISION OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY
21 CORRESPONDING TO A VIOLATION DESCRIBED IN SUBDIVISIONS (A) TO (G).

22 (19) ~~(18)~~As used in this section, "violent felony" means an
23 offense against a person in violation of section 82, 83, 84, 86,
24 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,
25 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA
26 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,
27 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,

- 1 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,
- 2 750.529a, and 750.530.