

**SUBSTITUTE FOR  
SENATE BILL NO. 835**

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending sections 34c and 35 (MCL 791.234c and 791.235), section  
34c as added by 2012 PA 24 and section 35 as amended by 2024 PA  
111.

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

- 1           Sec. 34c. (1) The department, by contract or otherwise, shall  
2 assist prisoners with reentry into the community, including, but  
3 not limited to, doing ~~both~~**all** of the following:
- 4           (a) Assisting prisoners in obtaining the identification  
5 documents described in this section.
- 6           (b) Subject to the department's security needs, reasonably  
7 allowing prisoners to obtain the following identification documents



1 before those prisoners are released on parole or discharged upon  
2 completion of their maximum sentences:

3 (i) Any of the identification documents that, in combination  
4 with the prisoner identification card issued under section 37(4),  
5 would satisfy the application requirements for obtaining an  
6 operator's license or **an official** state personal identification  
7 card as established by the secretary of state under section 307 of  
8 the Michigan vehicle code, 1949 PA 300, MCL 257.307, or section 1  
9 of 1972 PA 222, MCL 28.291.

10 (ii) A ~~social security~~ **Social Security** card or ~~social security~~  
11 **Social Security** number verification, if possible to obtain.

12 ~~(2) A prisoner's refusal to obtain or attempt to obtain the~~  
13 ~~documents identified in subsection (1)(b) may be included as part~~  
14 ~~of the prisoner's parole eligibility report, as provided in section~~  
15 ~~35(7)(e).~~

16 (c) **Providing prisoners with a written document that contains**  
17 **all of the following information regarding voter registration and**  
18 **election processes:**

19 (i) **That, under the laws of this state, an individual who is**  
20 **released from confinement may, if otherwise eligible, register and**  
21 **vote.**

22 (ii) **Specific information on voter registration and how to vote**  
23 **in person on election day, in person during the early voting**  
24 **period, or by absentee ballot.**

25 (iii) **The regular election dates as provided under section 641**  
26 **of the Michigan election law, 1954 PA 116, MCL 168.641.**

27 (2) ~~(3)~~ **This section applies to all prisoners who are serving**  
28 **a sentence under the jurisdiction of the department after the**  
29 **effective date of the amendatory act that added this section**



1 **February 23, 2012** who are eligible to obtain an operator's license  
 2 under section 307 of the Michigan vehicle code, 1949 PA 300, MCL  
 3 257.307, or ~~a~~**an official** state personal identification card under  
 4 section 1 of 1972 PA 222, MCL 28.291.

5 (3) ~~(4)~~—The department shall include in writing to each  
 6 prisoner the information described in section 14(9)(b) of chapter  
 7 XI of the code of criminal procedure, 1927 PA 175, MCL 771.14,  
 8 listing the identification documents referenced in subsection (1).  
 9 For a prisoner who begins serving a sentence under the jurisdiction  
 10 of the department after ~~the effective date of the amendatory act~~  
 11 ~~that added this section,~~ **February 23, 2012**, the department shall  
 12 provide that written information during reception center  
 13 processing. For any prisoner who is under the jurisdiction of the  
 14 department on ~~the effective date of the amendatory act that added~~  
 15 ~~this section,~~ **February 23, 2012**, the department shall provide that  
 16 written information as follows:

17 ~~(a) For a prisoner with less than 1 year remaining before~~  
 18 ~~parole eligibility, within 90 days after that effective date.~~

19 ~~(b) For any other prisoner, the information shall be given at~~  
 20 ~~the time the parole eligibility report is prepared.~~

21 (4) ~~(5)~~—The department shall allow the secretary of state to  
 22 have electronic access to prisoner information for the purpose of  
 23 verifying the identity of prisoners who apply for ~~driver licenses~~  
 24 **an operator's license** or **an official** state personal identification  
 25 ~~cards.~~**card.**

26 (5) ~~(6)~~—The reentry success fund is created within the state  
 27 treasury. The state treasurer may receive money or other assets  
 28 from any source for deposit into the fund. The state treasurer  
 29 shall direct the investment of the fund. The state treasurer shall



1 credit to the fund interest and earnings from fund investments.  
 2 Money in the fund at the close of the fiscal year ~~shall~~**must** remain  
 3 in the fund and ~~shall~~**must** not lapse to the general fund. The  
 4 department ~~of corrections~~ shall expend money from the reentry  
 5 success fund, upon appropriation, only for the expenses of  
 6 performing the activities required by this section.

7 **(6) The secretary of state shall create a written document**  
 8 **that includes all of the information described in subsection**  
 9 **(1) (c) .**

10 Sec. 35. (1) The release of a prisoner on parole must be  
 11 granted solely upon the initiative of the parole board. There is no  
 12 entitlement to parole. The parole board may grant a parole without  
 13 interviewing the prisoner if, after evaluating the prisoner  
 14 according to the parole guidelines, the parole board determines  
 15 that the prisoner has a high probability of being paroled and the  
 16 parole board therefore intends to parole the prisoner. Except as  
 17 provided in subsection (2), a prisoner must not be denied parole  
 18 without an interview before 1 member of the parole board. The  
 19 interview must be conducted at least 1 month before the expiration  
 20 of the prisoner's minimum sentence less applicable good time and  
 21 disciplinary credits for a prisoner eligible for good time and  
 22 disciplinary credits, or at least 1 month before the expiration of  
 23 the prisoner's minimum sentence for a prisoner subject to  
 24 disciplinary time. The parole board shall consider any statement  
 25 made to the parole board by a crime victim under the William Van  
 26 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to  
 27 780.834, or under any other provision of law. The parole board  
 28 shall not consider any of the following factors in making a parole  
 29 determination:



1 (a) A juvenile record that a court has ordered the department  
2 to expunge.

3 (b) Information that is determined by the parole board to be  
4 inaccurate or irrelevant after a challenge and presentation of  
5 relevant evidence by a prisoner who has received a notice of intent  
6 to conduct an interview as provided in subsection (4). This  
7 subdivision applies only to presentence investigation reports  
8 prepared before April 1, 1983.

9 (2) If, after evaluating a prisoner according to the parole  
10 guidelines, the parole board determines that the prisoner has a low  
11 probability of being paroled and the parole board therefore does  
12 not intend to parole the prisoner, the parole board is not required  
13 to interview the prisoner before denying parole to the prisoner.

14 (3) The parole board may consider but shall not base a  
15 determination to deny parole solely on either of the following:

16 (a) A prisoner's marital history.

17 (b) Prior arrests not resulting in conviction or adjudication  
18 of delinquency.

19 (4) If an interview is to be conducted, the prisoner must be  
20 sent a notice of intent to conduct an interview not less than 1  
21 month before the date of the interview. The notice must state the  
22 specific issues and concerns that will be discussed at the  
23 interview and that may be a basis for a denial of parole. The  
24 parole board shall not deny parole based on reasons other than  
25 those stated in the notice of intent to conduct an interview except  
26 for good cause stated to the prisoner at or before the interview  
27 and in the written explanation required by subsection (18).

28 (5) Except for good cause, the parole board member conducting  
29 the interview shall not have cast a vote for or against the



1 prisoner's release before conducting the current interview. Before  
2 the interview, the parole board member who is to conduct the  
3 interview shall review pertinent information relative to the notice  
4 of intent to conduct an interview.

5 (6) A prisoner may waive the right to an interview by 1 member  
6 of the parole board. The waiver of the right to be interviewed must  
7 be in writing and given not more than 30 days after the notice of  
8 intent to conduct an interview is issued. During the interview held  
9 under a notice of intent to conduct an interview, the prisoner may  
10 be represented by an individual of ~~his or her~~ **the prisoner's**  
11 choice. The representative shall not be another prisoner or an  
12 attorney. A prisoner is not entitled to appointed counsel at public  
13 expense. The prisoner or representative may present relevant  
14 evidence in support of release.

15 (7) ~~At least~~ **Not less than** 90 days before the expiration of  
16 the prisoner's minimum sentence less applicable good time and  
17 disciplinary credits for a prisoner eligible for good time or  
18 disciplinary credits, or ~~at least~~ **not less than** 90 days before the  
19 expiration of the prisoner's minimum sentence for a prisoner  
20 subject to disciplinary time, or the expiration of a 12-month  
21 continuance for any prisoner, or at the request of the parole board  
22 for a prisoner being considered for parole under subsection (10),  
23 the appropriate institutional staff shall prepare a parole  
24 eligibility report. The parole eligibility report is considered  
25 pertinent information for purposes of subsection (5). The report  
26 must include all of the following:

27 (a) A statement of all major misconduct charges of which the  
28 prisoner was found guilty and the punishment served for the  
29 misconduct.



1 (b) The prisoner's work and educational record while confined.

2 (c) The results of any physical, mental, or psychiatric  
3 examinations of the prisoner that may have been performed.

4 (d) Whether the prisoner fully cooperated with this state by  
5 providing complete financial information as required under section  
6 3a of the state correctional facility reimbursement act, 1935 PA  
7 253, MCL 800.403a.

8 ~~(e) Whether the prisoner refused to attempt to obtain~~  
9 ~~identification documents under section 34c, if applicable.~~

10 (e) ~~(f)~~ For a prisoner subject to disciplinary time, a  
11 statement of all disciplinary time submitted for the parole board's  
12 consideration under section 34 of 1893 PA 118, MCL 800.34.

13 (f) ~~(g)~~ The result on any validated risk assessment  
14 instrument.

15 (8) The preparer of the report shall not include a  
16 recommendation as to release on parole.

17 (9) Psychological evaluations performed at the request of the  
18 parole board to assist it in reaching a decision on the release of  
19 a prisoner may be performed by the same person who provided the  
20 prisoner with therapeutic treatment, unless a different person is  
21 requested by the prisoner or parole board.

22 (10) Except for a prisoner who was convicted of any crime that  
23 is punishable by a term of life imprisonment without parole or of a  
24 violation of section 520b of the Michigan penal code, 1931 PA 328,  
25 MCL 750.520b, the parole board may grant a medical parole for a  
26 prisoner determined to be medically frail. A decision to grant a  
27 medical parole must be initiated on the recommendation of the  
28 bureau of health care services. If the bureau of health care  
29 services believes that the prisoner is medically frail, the bureau



1 shall utilize a specialist in the appropriate field of medicine,  
2 who is not employed by the department, to evaluate the condition of  
3 the prisoner and to report on that condition to the bureau. The  
4 parole board, in consultation with the bureau of health care  
5 services, shall determine whether the prisoner is medically frail.  
6 If the parole board determines that a prisoner is medically frail  
7 and is going to be considered for parole under this subsection, the  
8 parole board shall provide the notice and medical records required  
9 under section 34(18). Unless the prosecutor of the county from  
10 which the prisoner was committed files a motion under section  
11 34(19), the parole board may grant parole to a prisoner who is  
12 determined to be medically frail. If a motion is filed under  
13 section 34(19) and the court finds that the prisoner is eligible  
14 for parole as a result of being medically frail, and if no  
15 additional appeals are pending, the parole board may grant parole  
16 to the prisoner under this subsection. The requirements of sections  
17 33(1)(b), (c), (d), and (f), 33b, and 34(1), (2), (3), (4), (7),  
18 (13), (14), (15), (16), and (17) do not apply to a parole granted  
19 under this subsection.

20 (11) The following conditions apply to a parole granted under  
21 subsection (10):

22 (a) A prisoner must only be released on parole under  
23 subsection (10) if ~~he or she~~ **the prisoner** agrees to all of the  
24 following:

25 (i) ~~His or her~~ **The parolee's** placement as approved by the  
26 parole board, or, if the parolee is unable to consent because of  
27 the parolee's physical or mental health condition, an individual  
28 legally entitled to agree to the parolee's placement agrees to the  
29 parolee's placement as approved by the parole board.





1           (ii) To the release of ~~his or her~~ **the prisoner's** medical  
2 records that are directly relevant to the condition or conditions  
3 rendering the prisoner medically frail to the prosecutor and  
4 sentencing or successor judge of the county from which the prisoner  
5 was committed before the parole board determines whether or not to  
6 grant the prisoner parole under subsection (10).

7           (iii) An independent medical exam if sought by the prosecutor of  
8 the county from which the prisoner was committed as provided under  
9 section 34(19). If possible, this independent medical exam must  
10 occur at a facility of the department. The reasonable costs of this  
11 independent medical exam must be paid for by the department.

12           (b) The parolee shall adhere to the terms of ~~his or her~~ **the**  
13 **parolee's** parole for the length of the parole term.

14           (c) The parole must be for a term not less than the time  
15 necessary to reach the prisoner's earliest release date.

16           (d) If the parolee is medically frail as described under  
17 subsection (20) (d) (ii) and placement of the parolee under  
18 subdivision (a) is not in a medical facility, the parole board  
19 shall require the parolee to be subject to electronic monitoring at  
20 the time the parolee is released on parole. The parole board may  
21 remove a requirement for a parolee to be subject to electronic  
22 monitoring under this subdivision if the parole board determines  
23 electronic monitoring is not necessary to protect public safety. A  
24 requirement for electronic monitoring under this subdivision is in  
25 addition to any other requirement for electronic monitoring or  
26 monitoring by a global positioning monitoring system under another  
27 law of this state.

28           (e) A parolee who violates the terms of ~~his or her~~ **the**  
29 **parolee's** parole or is determined to no longer meet the definition



1 of medically frail may be transferred to a setting more appropriate  
2 for the medical needs of the parolee or be subject to the parole  
3 violation process under sections 38, 39, 39a, and 40a as determined  
4 by the parole board and the department.

5 (f) If the parolee is placed in a medical facility under  
6 subdivision (a), the parolee must only be placed in a medical  
7 facility that agrees to accept the parolee.

8 (12) The department shall not retain authority over the  
9 medical treatment plan for a prisoner granted parole under  
10 subsection (10) and, if a prisoner granted parole under subsection  
11 (10) is placed in a medical facility, the parolee must have full  
12 patient rights at the medical facility.

13 (13) The department and the parole board shall ensure that the  
14 placement and terms and conditions of a parole granted under  
15 subsection (10) do not violate any other state or federal  
16 regulations.

17 (14) A medical facility housing parolees granted parole under  
18 subsection (10) must be operated in a manner that ensures the  
19 safety of the residents of the medical facility.

20 (15) A parolee granted parole under subsection (10) and placed  
21 in a medical facility has the same patient rights and  
22 responsibilities as any other individual who is a resident of or  
23 has been admitted to the medical facility. The medical facility is  
24 not responsible for the enforcement of conditions of parole or the  
25 reporting of violations of conditions of parole for any parolee  
26 placed in the medical facility. The medical facility shall comply  
27 with state and federal laws and regulations that protect resident  
28 rights and state and federal laws and regulations for skilled  
29 nursing facilities, regardless of the conditions of parole imposed



1 on a resident parolee.

2 (16) The process for a parole determination under subsection  
3 (10) does not change or affect any of the rights afforded to a  
4 victim under the William Van Regenmorter crime victim's rights act,  
5 1985 PA 87, MCL 780.751 to 780.834.

6 (17) The department shall file a petition to the appropriate  
7 court under section 434 of the mental health code, 1974 PA 258, MCL  
8 330.1434, for any prisoner being paroled or being released after  
9 serving ~~his or her~~ **the prisoner's** maximum sentence whom the  
10 department considers to be a person requiring treatment. The parole  
11 board shall require mental health treatment as a special condition  
12 of parole for any parolee whom the department has determined to be  
13 a person requiring treatment whether or not the petition filed for  
14 that prisoner is granted by the court. As used in this subsection,  
15 "person requiring treatment" means that term as defined in section  
16 401 of the mental health code, 1974 PA 258, MCL 330.1401.

17 (18) When the parole board makes a final determination not to  
18 release a prisoner, the parole board shall provide the prisoner  
19 with a written explanation of the reason for denial and, if  
20 appropriate, specific recommendations for corrective action the  
21 prisoner may take to facilitate release.

22 (19) This section does not apply to the placement on parole of  
23 a person in conjunction with special alternative incarceration  
24 under section 34a(7).

25 (20) As used in this section:

26 (a) "Activities of daily living" means basic personal care and  
27 everyday activities as described in 42 CFR 441.505, including, but  
28 not limited to, tasks such as eating, toileting, grooming,  
29 dressing, bathing, and transferring from 1 physical position to



1 another, including, but not limited to, moving from a reclining  
2 position to a sitting or standing position.

3 (b) "Electronic monitoring" means that term as defined in  
4 section 85.

5 (c) "Medical facility" means a hospital, hospice, nursing  
6 home, or other housing accommodation providing medical treatment  
7 suitable to the condition or conditions rendering a parolee  
8 medically frail.

9 (d) "Medically frail" describes an individual who is a minimal  
10 threat to society as a result of the individual's medical  
11 condition, whose recent conduct in prison indicates the individual  
12 is unlikely to engage in assaultive conduct, and who has 1 or more  
13 of the following:

14 (i) A permanent physical disability or serious and complex  
15 medical condition resulting in the inability to walk, stand, or sit  
16 without personal assistance.

17 (ii) A terminal medical or neurological condition resulting in  
18 a life expectancy of under 18 months.

19 (iii) A permanent disabling mental disorder, including dementia,  
20 Alzheimer's, or a similar degenerative brain disorder that results  
21 in the need for nursing home level of care, and a significantly  
22 impaired ability to perform 2 or more activities of daily living.

