

SENATE BILL NO. 861

May 07, 2024, Introduced by Senators IRWIN, GEISS, MCBROOM, CHANG, SHINK, SANTANA, CAVANAGH, WOJNO and BAYER and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1893 PA 118, entitled

"An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,"

(MCL 800.33 to 800.61) by adding section 33a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 33a. (1) Except as provided under subsection (11), a**
2 **prisoner subject to disciplinary time who is sentenced on or after**
3 **the effective date of the amendatory act that added this section is**

1 eligible to earn productivity credits. Productivity credits must be
2 earned and forfeited as provided in this section. Accumulated
3 productivity credits must be deducted from a prisoner's minimum and
4 maximum sentence to determine the prisoner's parole eligibility
5 date and discharge date.

6 (2) Except as provided under subsections (4) and (5) and
7 subject to subsections (6) and (7), the department of corrections
8 shall award a prisoner who is eligible to earn productivity credits
9 under subsection (1) productivity credits as follows:

10 (a) For each month the prisoner maintains enrollment in a
11 program recommended by the department of corrections or an
12 educational or vocational program, 20 days.

13 (b) For each month the prisoner maintains voluntary enrollment
14 in a program approved by the department of corrections under
15 subsection (8), 10, 15, or 20 days, as determined by the department
16 for the applicable program.

17 (3) Except as provided under subsection (5) and subject to
18 subsection (7), the department of corrections shall award a
19 prisoner who is eligible to earn productivity credits under
20 subsection (1) productivity credits as follows:

21 (a) If the prisoner successfully completes a program
22 recommended by the department under subsection (2)(a) or an
23 educational or vocational program under subsection (2)(a), that
24 does not result in a high school diploma, high school equivalency
25 certificate, or higher education degree, 90 days upon the
26 successful completion of the program.

27 (b) If the prisoner earns a high school diploma, high school
28 equivalency certificate, or higher education degree, 120 days upon
29 earning the diploma, certificate, or degree.

1 (c) If the prisoner successfully completes a program approved
2 by the department under subsection (2) (b), no more than 90 days
3 upon the successful completion of that program.

4 (4) The department of corrections shall not award a prisoner
5 productivity credits under subsection (2) during any month in which
6 the prisoner is found guilty of having committed a major
7 misconduct. The amount of productivity credits not awarded as a
8 result of being found guilty of a major misconduct must be limited
9 to the productivity credits that would have been earned for the
10 month in which the major misconduct occurred.

11 (5) The department of corrections shall not award a prisoner
12 productivity credits for any period during which the prisoner meets
13 either of the following:

14 (a) The prisoner has received a score of very high risk on the
15 prisoner's most recent validated risk and needs assessment.

16 (b) The prisoner is assigned to a housing unit having a
17 security classification as that term is defined under section 42 of
18 V or VI.

19 (6) A prisoner may not earn more than an aggregate of 100 days
20 of productivity credits for enrollment in a program under
21 subsection (2).

22 (7) The department of corrections shall not award productivity
23 credits in an amount greater than 20% of the prisoner's minimum
24 sentence.

25 (8) The department of corrections may, at its sole discretion,
26 approve additional programs for a prisoner to earn productivity
27 credits under subsections (2) (b) and (3) (c) if research and
28 evidence indicate the program improves rehabilitation, behavioral,
29 or post-release prisoner outcomes. If the department approves a

1 program under this subsection, it may award a productivity credit
2 of 10, 15, or 20 days for each month of voluntary enrollment in the
3 program as described under subsection (2) (b) and a productivity
4 credit of not more than 90 days for successful completion as
5 described under subsection (3) (c).

6 (9) If a prisoner has been sentenced concurrently for separate
7 convictions, the prisoner's productivity credits are computed on
8 the basis of the longest of the concurrent sentences. If a prisoner
9 is serving consecutive sentences for separate convictions, the
10 prisoner's productivity credits are computed and accumulated on
11 each sentence individually.

12 (10) This section does not allow productivity credits for a
13 commuted sentence unless the executive order commuting the sentence
14 stipulates to the credit.

15 (11) This section does not apply to any of the following
16 prisoners:

17 (a) A prisoner sentenced to imprisonment for life without
18 parole.

19 (b) A prisoner sentenced for a conviction under section 81(5),
20 81a(3), 316, 317, 411h(2)(b), 411i, 462b, 462c, 462d, or 462e(b) of
21 the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.316,
22 750.317, 750.411h, 750.411i, 750.462b, 750.462c, 750.462d, and
23 750.462e.

24 (c) A prisoner sentenced for a conviction that is a listed
25 offense as that term is defined under section 2 of the sex
26 offenders registration act, 1994 PA 295, MCL 28.722.

27 (12) The department of corrections shall promulgate rules
28 pursuant to the administrative procedures act of 1969, 1969 PA 306,
29 MCL 24.201 to 24.328, prescribing the minimum standards to earn and

1 **the procedure for awarding productivity credits under this section.**

2 Enacting section 1. This amendatory act takes effect January
3 1, 2026.

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No. 864 of the 102nd Legislature is enacted into
6 law.