

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

***** 791.233b.amended THIS AMENDED SECTION IS EFFECTIVE AUGUST 21, 2019 *****

791.233b.amended Eligibility for parole; minimum term.

Sec. 33b. Except for a prisoner granted parole under section 35(10), a person convicted and sentenced for the commission of any of the following crimes other than a prisoner subject to disciplinary time is not eligible for parole until the person has served the minimum term imposed by the court less an allowance for disciplinary credits as provided in section 33(5) of 1893 PA 118, MCL 800.33, and is not eligible for special parole:

- (a) Section 13 of the Michigan penal code, 1931 PA 328, MCL 750.13.
- (b) Section 14 of the Michigan penal code, 1931 PA 328, MCL 750.14.
- (c) Section 72, 73, or 75 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.73, and 750.75.
- (d) Section 82, 83, 84, 86, 87, 88, 89, or 90 of the Michigan penal code, 1931 PA 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, and 750.90, or former section 80 of that act.
- (e) Section 91 or 92 of the Michigan penal code, 1931 PA 328, MCL 750.91 and 750.92.
- (f) Section 110, 112, or 116 of the Michigan penal code, 1931 PA 328, MCL 750.110, 750.112, and 750.116.
- (g) Section 135 or 136b(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.135 and 750.136b, or former section 136a of that act.
- (h) Section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158.
- (i) Section 160 of the Michigan penal code, 1931 PA 328, MCL 750.160.
- (j) Former section 171 of the Michigan penal code, 1931 PA 328.
- (k) Section 196 of the Michigan penal code, 1931 PA 328, MCL 750.196, or former section 194 of that act.
- (l) Section 204, 207, 209, or 213 of the Michigan penal code, 1931 PA 328, MCL 750.204, 750.207, 750.209, and 750.213, or former section 205, 206 or 208 of that act.
- (m) Section 224, 226, or 227 of the Michigan penal code, 1931 PA 328, MCL 750.224, 750.226, and 750.227.
- (n) Section 316, 317, 321, 322, 323, 327, 328, or 329 of the Michigan penal code, 1931 PA 328, MCL 750.316, 750.317, 750.321, 750.322, 750.323, 750.327, 750.328, and 750.329, or former section 319 of that act.
- (o) Former section 333 of the Michigan penal code, 1931 PA 328.
- (p) Section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, or former section 341 of that act.
- (q) Section 349, 349a, or 350 of the Michigan penal code, 1931 PA 328, MCL 750.349, 750.349a, and 750.350.
- (r) Section 357 of the Michigan penal code, 1931 PA 328, MCL 750.357.
- (s) Section 386 or 392 of the Michigan penal code, 1931 PA 328, MCL 750.386 and 750.392.
- (t) Section 397 or 397a of the Michigan penal code, 1931 PA 328, MCL 750.397 and 750.397a.
- (u) Section 436 of the Michigan penal code, 1931 PA 328, MCL 750.436.
- (v) Section 511 of the Michigan penal code, 1931 PA 328, MCL 750.511, or former section 517 of that act.
- (w) Section 520b, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520g.
- (x) Section 529, 529a, 530, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.529, 750.529a, 750.530, and 750.531.
- (y) Section 544 of the Michigan penal code, 1931 PA 328, MCL 750.544, or former section 545a of that act.
- (z) Former section 2 of 1950 (Ex Sess) PA 38.
- (aa) Former section 6 of 1952 PA 117.
- (bb) Section 1, 2, or 3 of 1968 PA 302, MCL 752.541, 752.542, and 752.543.
- (cc) Section 7401(2)(a) or (b) or 7402(2)(a) or (b) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7402.

History: Add. 1978, Initiated Law, Eff. Dec. 12, 1978;—Am. 1982, Act 458, Imd. Eff. Dec. 30, 1982;—Am. 1989, Act 252, Eff. Mar. 29, 1990;—Am. 1994, Act 199, Eff. Oct. 1, 1994;—Am. 1994, Act 217, Eff. Dec. 15, 1998;—Am. 2010, Act 94, Imd. Eff. June 22, 2010;—Am. 2019, Act 16, Eff. Aug. 21, 2019.

Constitutionality: A mandatory sentence of life without parole does not violate the prohibition against cruel and unusual punishments of the Eighth Amendment to the United States Constitution, because the Eighth Amendment contains no proportionality

guarantee. Neither does the Eighth Amendment prohibit the imposition of mandatory sentences -- “severe, mandatory penalties may be cruel, but they are not unusual in the constitutional sense ... ” -- nor does it require consideration of individualized, mitigating circumstances beyond those cases in which a capital sentence is imposed. Harmelin v Michigan, 501 US 957; 111 S Ct 2680; 115 L Ed2d 836 (1991).

Compiler's note: Section 2 of 1994 PA 217, which provides that “This amendatory act shall take effect on the date that sentencing guidelines are enacted into law after the sentencing commission submits its report to the secretary of the senate and the clerk of the house of representatives pursuant to sections 31 to 34 of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, as added by the amendatory act resulting from House Bill No. 4782 of the 87th Legislature.” was repealed by 1998 PA 316, effective Dec. 15, 1998.

Popular name: Department of Corrections Act