

**SUBSTITUTE FOR
SENATE BILL NO. 424**

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending sections 38 and 42 (MCL 791.238 and 791.242), section
38 as amended by 1994 PA 217 and section 42 as amended by 2006 PA
170, and by adding section 42a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 38. (1) Each prisoner on parole ~~shall~~**must** remain in the
2 legal custody and under the control of the department. The deputy
3 director of the ~~bureau of field services,~~**operations**
4 **administration**, upon a showing of probable violation of parole, may
5 issue a warrant for the return of any paroled prisoner. Pending a
6 hearing upon any charge of parole violation, the prisoner ~~shall~~
7 **must** remain incarcerated.



(2) A prisoner violating the provisions of his or her parole and for whose return a warrant has been issued by the deputy director of the ~~bureau of field services~~ **operations administration** is treated as an escaped prisoner and is liable, when arrested, to serve out the unexpired portion of his or her maximum imprisonment. The time from the date of the declared violation to the date of the prisoner's availability for return to an institution ~~shall~~ **is** not ~~be~~ counted as time served. The warrant of the deputy director of the ~~bureau of field services~~ **operations administration** is a sufficient warrant authorizing all officers named in the warrant to detain the paroled prisoner in any jail of the state until his or her return to the state penal institution.

(3) If a paroled prisoner fails to return to prison when required by the deputy director of the ~~bureau of field services~~ **operations administration** or if the paroled prisoner escapes while on parole, the paroled prisoner ~~shall~~ **must** be treated in all respects as if he or she had escaped from prison and is subject to be retaken as provided by the laws of this state.

(4) The parole board, in its discretion, may cause the forfeiture of all good time to the date of the declared violation.

(5) A prisoner committing a crime while at large on parole and being convicted and sentenced for the crime ~~shall~~ **must** be treated as to the last incurred term as provided under section 34.

(6) A parole ~~shall be construed as~~ **is** a permit to the prisoner to leave the prison, and **is** not ~~as~~ a release. ~~While~~ **Subject to section 42a, while** at large, the paroled prisoner ~~shall be considered to be~~ **is** serving out the sentence imposed by the court and, if he or she is eligible for good time, ~~shall be~~ **is** entitled to good time the same as if confined in a state correctional



1 facility.

2 Sec. 42. (1) ~~If~~ **Subject to section 42a, if** a paroled prisoner
3 has faithfully performed all of the conditions and obligations of
4 parole for the period of time fixed in the order of parole, and has
5 obeyed all of the rules and regulations adopted by the parole
6 board, the prisoner has served the full sentence required. The
7 parole board shall enter a final order of discharge and issue the
8 paroled prisoner a certificate of discharge.

9 (2) Parole ~~shall~~ **must** not be granted for a period less than 2
10 years in a case of murder, actual forcible rape, **armed** robbery,
11 ~~armed~~, kidnapping, extortion, or breaking and entering an occupied
12 dwelling in the nighttime unless the maximum time remaining to be
13 served on the sentence is less than 2 years.

14 (3) Parole ~~shall~~ **must** only be granted for life for a prisoner
15 sentenced under section 520b(2)(b) of the Michigan penal code, 1931
16 PA 328, MCL 750.520b.

17 **Sec. 42a. (1) Except for a parole granted as described under**
18 **section 42(2) and (3) and subject to this section, a term of parole**
19 **may be reduced by 45 days for every 6 months that a qualified**
20 **parolee complies with the requirements of a medication-assisted**
21 **program for the treatment of an alcohol use disorder or opioid use**
22 **disorder approved by the department.**

23 (2) If a term of parole is reduced under this section, the
24 parole order must be amended in writing to reflect the reduction.

25 (3) The parole board shall not grant the reduction in the term
26 of parole under subsection (1) to a qualified parolee if he or she
27 commits either of the following during his or her term of parole
28 regardless of his or her compliance with a medication-assisted
29 program for the treatment of an alcohol use disorder or opioid use



1 disorder:

2 (a) An act that directly threatens, endangers, or injures
3 another person.

4 (b) A violation of a law of this state, a political
5 subdivision of this state, another state, or the United States or
6 of tribal law, that is not a law related to the use or possession
7 of a controlled substance, unless the parole board determines the
8 primary cause of the violation was the parolee's identified
9 substance use disorder and another person was not threatened,
10 endangered, or injured by the conduct giving rise to the violation.

11 (4) A parole order must indicate if the individual is a
12 qualified parolee.

13 (5) Not less than annually, the department shall report all of
14 the following to the senate and house of representatives standing
15 committees on the judiciary:

16 (a) The number of individuals who participated in a
17 medication-assisted program for the treatment of an alcohol use
18 disorder or opioid use disorder.

19 (b) The number of individuals who received a reduction in a
20 term of parole because of their participation in a medication-
21 assisted program for the treatment of an alcohol use disorder or
22 opioid use disorder.

23 (c) The number of individuals who reoffended after
24 participating in a medication-assisted program for the treatment of
25 an alcohol use disorder or opioid use disorder within 3 years of
26 being released from prison.

27 (d) The form and type of medication-assisted program for the
28 treatment of an alcohol use disorder or opioid use disorder
29 participated in by each individual.



(6) As used in this section:

(a) "Medication-assisted program for the treatment of an alcohol use disorder or opioid use disorder" means a treatment program that must include, but need not be limited to, a medical assessment, counseling plan, medication plan, and testing.

(b) "Nonviolent offense" means a crime that does not involve the use of any force against or injury to another person.

(c) "Qualified parolee" means an individual granted parole for 1 or more convictions for a controlled substance offense or for a nonviolent offense that the presentence investigation or parole board interview indicates was primarily the result of controlled substance or alcohol use.