

HOUSE BILL No. 6186

November 8, 1990, Introduced by Rep. Perry Bullard and referred to the Committee on Corrections.

A bill to amend section 33 of Act No. 118 of the Public Acts of 1893, 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,"

as amended by Act No. 322 of the Public Acts of 1986, being section 800.33 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 33 of Act No. 118 of the Public Acts of
2 1893, as amended by Act No. 322 of the Public Acts of 1986, being
3 section 800.33 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 33. (1) A record of all major misconduct charges for
6 which a prisoner has been found guilty shall be maintained and
7 given to the parole board as part of the parole eligibility

1 report prepared for each prisoner pursuant to section 35 of Act
2 No. 232 of the Public Acts of 1953, being section 791.235 of the
3 Michigan Compiled Laws.

4 (2) Except as otherwise provided in this section, a prisoner
5 who is serving a sentence for a crime committed before ~~the~~
6 ~~effective date of this 1986 amendatory act~~ APRIL 1, 1987 and who
7 has not been found guilty of a major misconduct or had a viola-
8 tion of the laws of this state recorded against him or her shall
9 receive a reduction from his or her sentence as follows:

10 (a) During the first and second years of his or her sen-
11 tence, 5 days for each month.

12 (b) During the third and fourth years, 6 days for each
13 month.

14 (c) During the fifth and sixth years, 7 days for each
15 month.

16 (d) During the seventh, eighth, and ninth years, 9 days for
17 each month.

18 (e) During the tenth, eleventh, twelfth, thirteenth, and
19 fourteenth years, 10 days for each month.

20 (f) During the fifteenth, sixteenth, seventeenth, eigh-
21 teenth, and nineteenth years, 12 days for each month.

22 (g) From and including the twentieth year, up to and includ-
23 ing the period fixed for the expiration of the sentence, 15 days
24 for each month.

25 (3) All prisoners serving a sentence for a crime ~~which~~
26 THAT was committed on or after ~~the effective date of this 1986~~
27 ~~amendatory act~~ APRIL 1, 1987 shall be eligible to earn

1 disciplinary and special disciplinary credits as provided in
2 ~~subsection~~ SUBSECTIONS (5) AND (15). Disciplinary credits
3 shall be earned, forfeited, and restored as provided in this
4 section. Accumulated disciplinary credits shall be deducted from
5 a prisoner's minimum and maximum sentence in order to determine
6 his or her parole eligibility date and discharge date.

7 (4) This section shall not be construed to allow good time,
8 disciplinary credits, or special disciplinary credits in cases of
9 commuted sentences unless so stipulated in the executive order
10 commuting the sentence.

11 (5) All prisoners serving a sentence on December 30, 1982,
12 or incarcerated after December 30, 1982, for the conviction of a
13 crime enumerated in section 33b(a) to (cc) of Act No. 232 of the
14 Public Acts of 1953, being section 791.233b of the Michigan
15 Compiled Laws, shall be eligible to earn a disciplinary credit of
16 5 days per month for each month served after December 30, 1982,
17 AND DISCIPLINARY CREDITS UNDER SUBSECTION (15). Accumulated dis-
18 ciplinary credits shall be deducted from a prisoner's minimum and
19 maximum sentence in order to determine his or her parole eligi-
20 bility dates.

21 A prisoner shall not earn disciplinary credits under this
22 subsection OR SUBSECTION (15) during any month in which the pris-
23 oner is found guilty of having committed a major misconduct. The
24 amount of disciplinary credits not earned as a result of being
25 found guilty of a major misconduct shall be limited to the disci-
26 plinary credits which would have been earned for the month in
27 which the major misconduct occurred. Any disciplinary credits

1 not earned as a result of the prisoner being found guilty of a
2 major misconduct shall never be earned or restored. The warden
3 may order that a prisoner found guilty of a major misconduct,
4 including but not limited to charges of rioting, inciting to
5 riot, escape, homicide, or assault and battery, forfeit all or a
6 portion of the disciplinary credits accumulated prior to the
7 month in which the misconduct occurred. An order forfeiting
8 accumulated disciplinary credits shall be based upon a review of
9 the prisoner's institutional record.

10 The disciplinary credit committee, which is comprised of the
11 prisoner's resident unit manager, custody officers in the resi-
12 dent unit with direct supervisory responsibilities over the pris-
13 oner, and the appropriate work or school assignment supervisor,
14 shall be a part of the reclassification process and shall review,
15 at least annually, the status of each prisoner in the housing
16 unit who has forfeited disciplinary credits. The committee may
17 recommend to the warden whether any forfeited disciplinary cred-
18 its should be restored to the prisoner.

19 In addition to disciplinary credits, a prisoner may be
20 awarded 2 days per month special disciplinary credits for good
21 institutional conduct on the recommendation of the disciplinary
22 credit committee and the concurrence of the warden based on an
23 annual review of the prisoner's institutional record. Special
24 disciplinary credits shall not be awarded for any month in which
25 a prisoner has been found guilty of a major misconduct.

26 The department of corrections shall promulgate rules
27 pursuant to the administrative procedures act of 1969, Act

1 No. 306 of the Public Acts of 1969, being sections 24.201 to
2 24.328 of the Michigan Compiled Laws, necessary to implement this
3 subsection not more than 180 days after December 30, 1982.

4 (6) On and after ~~the effective date of this 1986 amendatory~~
5 ~~act~~ APRIL 1 1987, a prisoner shall not earn good time under this
6 section during any month in which the prisoner is found guilty of
7 having committed a major misconduct. The amount of good time not
8 earned as a result of being found guilty of a major misconduct
9 shall be limited to the amount of good time which would have been
10 earned during the month in which the major misconduct occurred.
11 Any good time not earned as a result of the prisoner being found
12 guilty of a major misconduct shall never be earned or restored.

13 (7) The department of corrections shall promulgate rules
14 pursuant to Act No. 306 of the Public Acts of 1969, prescribing
15 how much of his or her accumulated good time or accumulated dis-
16 ciplinary credits the prisoner may forfeit if found guilty of 1
17 or more major misconducts.

18 (8) The warden may order that a prisoner found guilty of a
19 major misconduct forfeit all or a portion of the good time accu-
20 mulated prior to the month in which the misconduct occurred.

21 (9) The good time committee, which is comprised of the
22 prisoner's resident unit manager, custody officer in the resident
23 unit with direct supervisory responsibility over the prisoner,
24 and the appropriate work or school assignment supervisor, shall
25 be part of the reclassification process. The good time committee
26 shall recommend to the warden the amount of special good time to

1 be awarded and the restoration of any accumulated good time
2 ~~which~~ THAT has been forfeited.

3 (10) The warden, as a reward for good conduct, may restore
4 to a prisoner the whole or any portion of the good time or disci-
5 plinary credits forfeited because of a finding of guilty for a
6 major misconduct. However, forfeited good time or disciplinary
7 credits shall not be restored without the recommendation of the
8 disciplinary credit committee or good time committee and the
9 prior written approval of the deputy director in charge of the
10 bureau of correctional facilities or the deputy director in
11 charge of the bureau of field services. Disciplinary credits or
12 good time allowances that have not been earned because of insti-
13 tutional misconduct shall not be restored.

14 (11) A prisoner who has been sentenced concurrently for sep-
15 arate convictions shall have his or her good time or disciplinary
16 credits computed on the basis of the longest of the concurrent
17 sentences. If a prisoner is serving consecutive sentences for
18 separate convictions, his or her good time or disciplinary cred-
19 its shall be computed and accumulated on each sentence individu-
20 ally and all good time or disciplinary credits which have been
21 earned on any of the sentences shall be subject to forfeiture
22 pursuant to subsections (5) and (8).

23 (12) The warden of an institution may grant special good
24 time allowances to eligible prisoners who are convicted of a
25 crime that is committed prior to ~~the effective date of this 1986~~
26 ~~amendatory act~~ APRIL 1, 1987. Special good time credit shall
27 not exceed 50% of the good time allowances under the schedule in

1 subsection (2). Special good time shall be awarded for good
2 conduct only and shall not be awarded for any month in which a
3 prisoner has been found guilty of a major misconduct.

4 (13) The parole board shall be exclusively empowered to
5 cause the forfeiture of good time or disciplinary credits earned
6 by a prisoner at the time of a parole violation.

7 (14) IN ADDITION TO GOOD TIME OR SPECIAL GOOD TIME OTHERWISE
8 GRANTED UNDER THIS SECTION, AND SUBJECT TO SUBSECTIONS (4), (6),
9 AND (8), A PRISONER WHO IS SERVING A SENTENCE FOR A CRIME COMMIT-
10 TED BEFORE APRIL 1, 1987 SHALL EARN GOOD TIME OF 1 DAY FOR EACH
11 WEEK IN WHICH THE PRISONER MAKES SATISFACTORY PROGRESS, AS DETER-
12 MINED BY THE WARDEN, IN READING, WRITING, OR ANOTHER SKILL TAUGHT
13 IN A CLASS ATTENDED BY THE PRISONER.

14 (15) IN ADDITION TO DISCIPLINARY CREDITS OR SPECIAL DISCI-
15 PLINARY CREDITS OTHERWISE GRANTED UNDER THIS SECTION, A PRISONER
16 SERVING A SENTENCE DESCRIBED IN SUBSECTION (3) OR (5) SHALL EARN
17 A DISCIPLINARY CREDIT OF 1 DAY FOR EACH WEEK IN WHICH THE PRIS-
18 ONER MAKES SATISFACTORY PROGRESS, AS DETERMINED BY THE WARDEN, IN
19 READING, WRITING, OR ANOTHER SKILL TAUGHT IN A CLASS ATTENDED BY
20 THE PRISONER.