

HOUSE BILL No. 4641

March 21, 1991, Introduced by Rep. Middaugh and referred to the Committee on Corrections.

A bill to amend section 34 of Act No. 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended by Act No. 314 of the Public Acts of 1982, being section 791.234 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 34 of Act No. 232 of the Public Acts of
2 1953, as amended by Act No. 314 of the Public Acts of 1982, being
3 section 791.234 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 34. (1) A prisoner sentenced to an indeterminate sen-
6 tence and confined in a state prison or reformatory with a mini-
7 mum in terms of years shall be subject to the jurisdiction of the
8 parole board when the prisoner has served a period of time equal
9 to the minimum sentence imposed by the court for the crime of
10 which he or she was convicted, less good time allowances, if
11 applicable.

12 (2) If a prisoner is sentenced for consecutive terms,
13 whether received at the same time or at any time during the life
14 of the original sentence, the parole board shall have jurisdic-
15 tion over the prisoner for purposes of parole when the prisoner
16 has served the total time of the added minimum terms, less the
17 good time credit allowed by statute. The maximum terms of the
18 sentences shall be added to compute the new maximum term under
19 this subsection, and discharge shall be issued only after the
20 total of the maximum sentences has been served less good time
21 allowances, unless the prisoner is paroled and discharged upon
22 satisfactory completion of the parole.

23 (3) If a prisoner has 1 or more consecutive terms remaining
24 to serve in addition to the term he or she is serving, the parole
25 board may terminate the sentence the prisoner is presently

1 serving at any time after the minimum term of the sentence has
2 been served.

3 (4) A prisoner under sentence for life or for a term of
4 years, other than ~~prisoners~~ A PRISONER sentenced TO
5 IMPRISONMENT for life for murder in the first degree, ~~and~~
6 ~~prisoners~~ A PRISONER sentenced TO IMPRISONMENT for life or for a
7 minimum term of imprisonment for a major controlled substance
8 offense, OR A PRISONER SENTENCED TO IMPRISONMENT FOR LIFE FOR
9 PLACING AN EXPLOSIVE SUBSTANCE IN, UPON, UNDER, AGAINST, OR NEAR
10 ANY OBJECT WITH THE INTENT TO DAMAGE OR DESTROY THAT OBJECT AND,
11 BY THE EXPLOSION OF THAT EXPLOSIVE SUBSTANCE, CAUSING THE DEATH
12 OF ANOTHER INDIVIDUAL OR INJURY TO ANY PERSON, who has served 10
13 calendar years of the sentence is subject to the jurisdiction of
14 the parole board and may be released on parole by the parole
15 board, subject to the following conditions:

16 (a) One member of the parole board shall interview the pris-
17 oner at the conclusion of 4 calendar years of the sentence and
18 biennially thereafter until such time as the prisoner is paroled,
19 discharged, or deceased.

20 (b) A parole shall not be granted a prisoner so sentenced
21 until after a public hearing held in the manner prescribed for
22 pardons and commutations in ~~sections~~ SECTION 44(d) to ~~44(f)~~
23 (F) and SECTION 45. Notice of the public hearing shall be given
24 to the sentencing judge, or the judge's successor in office, and
25 parole shall not be granted if the sentencing judge, or the
26 judge's successor in office, files written objections to the
27 granting of the parole within 30 days of receipt of the notice of

1 hearing. The written objections shall be made part of the
2 prisoner's file.

3 (c) A parole granted under this subsection shall be for a
4 period of not less than 4 years and subject to the usual rules
5 pertaining to paroles granted by the parole board. A parole
6 ordered under this subsection shall not become valid until the
7 transcript of the record is filed with the attorney general whose
8 certification of receipt of the transcript shall be returnable to
9 the office of the parole board within 5 days. Except for medical
10 records protected ~~by~~ UNDER section 2157 of Act No. 236 of the
11 Public Acts of 1961, being section 600.2157 of the Michigan
12 Compiled Laws, the file of a prisoner granted a parole under this
13 subsection shall be a public record.

14 (d) A parole shall not be granted under this subsection in
15 the case of a prisoner who is otherwise prohibited by law from
16 parole consideration. In such cases the interview procedures in
17 section 44 shall be followed.

18 (5) The time of a prisoner's release on parole shall be dis-
19 cretionary with the parole board. The action of the parole board
20 in granting or denying a parole shall be appealable to the cir-
21 cuit court by leave of the court.

22 Section 2. This amendatory act shall not take effect unless
23 House Bill No. 4640 of the 86th Legislature is enacted into law.