

HOUSE BILL No. 4790

May 6, 1991, Introduced by Reps. Kosteva, Nye, Gubow, DeMars, Kilpatrick, Randall, McBryde and Bender and referred to the Committee on Corrections.

A bill to amend section 33 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. 458 of the Public Acts of 1982, being section 791.233 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 33 of Act No. 232 of the Public Acts of
2 1953, as amended by Act No. 458 of the Public Acts of 1982, being
3 section 791.233 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 33. (1) The grant of a parole shall be subject to all
6 of the following:

7 (a) A prisoner shall not be given his OR HER liberty on
8 parole until the board has reasonable assurance, after considera-
9 tion of all of the facts and circumstances, including the
10 prisoner's mental and social attitude, that the prisoner will not
11 become a menace to society or to the public safety.

12 (b) A parole shall not be granted to a prisoner until the
13 prisoner has served the minimum term imposed by the court less
14 allowances for good time, ~~or~~ special good time, DISCIPLINARY
15 CREDITS, OR SPECIAL DISCIPLINARY CREDITS to which the prisoner
16 may be entitled ~~to~~ by statute, except that ~~prisoners~~ A
17 PRISONER shall be eligible for parole prior to the expiration of
18 ~~their~~ THE PRISONER'S minimum ~~terms~~ TERM of imprisonment when-
19 ever the sentencing judge, or the judge's successor in office,
20 gives written approval of the parole of the prisoner prior to the
21 expiration of the minimum ~~terms~~ TERM of imprisonment.

22 (c) Notwithstanding the provisions of subdivision (b), a
23 parole shall not be granted to a prisoner sentenced for the com-
24 mission of a crime described in section 33b(a) to (cc) until the
25 prisoner has served the minimum term imposed by the court less an
26 allowance for disciplinary credits as provided in section 33(5)

1 of Act No. 118 of the Public Acts of 1893, being section 800.33
2 of the Michigan Compiled Laws. A prisoner described in this sub-
3 division is not eligible for special parole.

4 (d) A prisoner shall not be released on parole until the
5 parole board has satisfactory evidence that arrangements have
6 been made for such honorable and useful employment as the pris-
7 oner is capable of performing, or FOR the prisoner's education,
8 or for the prisoner's care if the prisoner is mentally or physi-
9 cally ill or incapacitated.

10 (e) ~~If a prisoner is serving a sentence for a crime commit-~~
11 ~~ted during the time the prisoner was on parole due to a reduction~~
12 ~~of a previous prison term under the prison overcrowding emergency~~
13 ~~powers act, Act No. 519 of the Public Acts of 1980, being sec-~~
14 ~~tions 800.71 to 800.79 of the Michigan Compiled Laws, that pris-~~
15 ~~oner shall not be released on parole due to a reduction in the~~
16 ~~prisoner's minimum term under the prison overcrowding emergency~~
17 ~~powers act, Act No. 519 of the Public Acts of 1980. A PRISONER~~
18 SHALL NOT BE RELEASED ON PAROLE UNTIL THE PRISONER DEMONSTRATES
19 TO THE BUREAU OF CORRECTIONAL FACILITIES THAT HE OR SHE COMPE-
20 TENTLY READS THE ENGLISH LANGUAGE AT THE LEVEL OF AN EIGHTH GRADE
21 STUDENT. THE BUREAU OF CORRECTIONAL FACILITIES SHALL TEST ALL
22 PRISONERS AS REQUIRED BY THIS SUBDIVISION, AND SHALL PROVIDE THE
23 RESULTS TO THE PAROLE BOARD WHENEVER REQUIRED FOR PURPOSES OF A
24 PAROLE HEARING.

25 (2) Paroles-in-custody to answer warrants filed by local ~~—~~
26 OR out-of-state agencies ~~—~~ or immigration officials are

1 permissible, provided an accredited agent of the agency filing
2 the warrant shall call for the prisoner so paroled in custody.

3 (3) Pursuant to THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
4 Act No. 306 of the Public Acts of 1969, as amended, being sec-
5 tions 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled Laws,
6 the parole board may promulgate rules not inconsistent with this
7 act with respect to conditions to be imposed upon paroled prison-
8 ers paroled under this act.