

# HOUSE BILL No. 5938

June 11, 1992, Introduced by Reps. Kilpatrick, Wallace, Profit, Saunders, Joe Young, Sr., Bennane and Knight and referred to the Committee on Appropriations.

A bill to amend section 36 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. 185 of the Public Acts of 1989, being section 791.236 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. Section 36 of Act No. 232 of the Public Acts of  
2 1953, as amended by Act No. 185 of the Public Acts of 1989, being  
3 section 791.236 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 36. (1) All paroles shall be ordered by the parole  
6 board and shall be signed by the chairperson. Written notice of  
7 the order shall be given to the sheriff or other police officer  
8 of the municipality or county in which the prisoner was con-  
9 victed, and to the sheriff or other local police officer of the  
10 municipality or county to which the paroled prisoner is sent.

11       (2) An order of parole may be amended or rescinded at the  
12 discretion of the parole board for cause. A parole shall not be  
13 rescinded unless an interview is conducted by 1 member of the  
14 parole board. The purpose of the interview shall be to consider  
15 and act upon information received by the board subsequent to the  
16 original parole release decision. A rescission interview shall  
17 be conducted within 45 days of receipt of the new information.  
18 At least 10 days before the interview, the parolee shall receive  
19 a copy or summary of the new evidence which is the basis for the  
20 interview. An amendment to a parole order shall be in writing  
21 and shall not be effective until notice of the amendment is given  
22 to the parolee.

23       (3) When an order for parole is issued, the order shall con-  
24 tain the conditions of the parole and shall specifically provide  
25 proper means of supervision of the paroled prisoner in accordance

1 with the rules of the bureau of field services. THE ORDER OF  
2 PAROLE SHALL INCLUDE 1 OF THE FOLLOWING LEVELS OF SUPERVISION:

3 (A) MOST RESTRICTIVE, IN WHICH THE PRISONER IS REQUIRED TO  
4 HAVE 5 IN-PERSON CONTACTS WITH A PAROLE OFFICER EACH WEEK.

5 (B) LESS RESTRICTIVE, IN WHICH THE PRISONER IS REQUIRED TO  
6 HAVE 2 IN-PERSON CONTACTS WITH A PAROLE OFFICER EACH WEEK.

7 (C) LEAST RESTRICTIVE, IN WHICH THE PRISONER IS REQUIRED TO  
8 HAVE 1 IN-PERSON CONTACT WITH A PAROLE OFFICER EACH WEEK.

9 (4) The order of parole shall contain a condition to pay  
10 restitution to, or perform services for, the victim of the  
11 prisoner's crime or the victim's estate if the prisoner has been  
12 sentenced to make restitution pursuant to the crime victim's  
13 rights act, Act No. 87 of the Public Acts of 1985, being sections  
14 780.751 to 780.834 of the Michigan Compiled Laws, or chapter IX  
15 of the code of criminal procedure, Act No. 175 of the Public Acts  
16 of 1927, being sections 769.1 to 769.28 of the Michigan Compiled  
17 Laws.

18 (5) The order of parole shall contain a condition requiring  
19 the parolee to pay a parole oversight fee or perform community  
20 service, as prescribed in section 36a.