

SENATE BILL No. 437

July 11, 1991, Introduced by Senator WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend 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, being sections 791.201 to 791.283 of the Michigan Compiled Laws, by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 232 of the Public Acts of 1953, as
2 amended, being sections 791.201 to 791.283 of the Michigan
3 Compiled Laws, is amended by adding section 5a to read as
4 follows:

5 SEC. 5A. (1) BEGINNING ON THE EFFECTIVE DATE OF THIS SEC-
6 TION, AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY, OR WHO IS
7 SUBJECT TO ANY PENDING FELONY CHARGES, SHALL NOT BE EMPLOYED BY
8 OR APPOINTED TO A POSITION IN THE DEPARTMENT, EXCEPT AS PROVIDED
9 IN SUBSECTION (2).

10 (2) THE DIRECTOR MAY WAIVE THE PROHIBITION IN SUBSECTION (1)
11 AS TO ANY INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY, AND WHO
12 MEETS BOTH OF THE FOLLOWING CONDITIONS:

13 (A) THE DATE OF FINAL RELEASE FROM INCARCERATION, THE DATE
14 OF FINAL RELEASE FROM PROBATION, OR THE DATE OF FINAL RELEASE
15 FROM PAROLE, WHICHEVER IS LATER, OCCURRED NOT LESS THAN 5 YEARS
16 BEFORE THE DATE ON WHICH THE INDIVIDUAL APPLIES FOR THE APPOINT-
17 MENT OR EMPLOYMENT, AND THE PERSON IS NOT SUBJECT TO ANY PENDING
18 FELONY CHARGES.

19 (B) THE DIRECTOR CONDUCTS AN EXTENSIVE AND COMPLETE INVESTI-
20 GATION OF THE INDIVIDUAL'S BACKGROUND, AND DETERMINES THAT, NOT-
21 WITHSTANDING THE INDIVIDUAL'S FELONY CONVICTION, THE EMPLOYMENT
22 OR APPOINTMENT OF THE INDIVIDUAL IS APPROPRIATE. A WRITTEN
23 REPORT, SIGNED BY THE DIRECTOR, SHALL BE MADE OF EVERY INVESTIGA-
24 TION UNDER THIS SUBDIVISION THAT RESULTS IN A DETERMINATION THAT
25 AN INDIVIDUAL'S EMPLOYMENT OR APPOINTMENT IS APPROPRIATE.