



# HOUSE BILL No. 4903

June 29, 1993, Introduced by Rep. Bryant and referred to the Committee on Judiciary.

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, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional 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; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended by Act No. 181 of the Public Acts of 1992, 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. 181 of the Public Acts of 1992, being  
3 section 791.234 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 34. (1) Except as provided in section 34a, a prisoner  
6 sentenced to an indeterminate sentence and confined in a state  
7 correctional facility with a minimum in terms of years ~~shall be~~  
8 IS subject to the jurisdiction of the parole board when the pris-  
9 oner has served a period of time equal to the minimum sentence  
10 imposed by the court for the crime of which he or she was con-  
11 victed, less good time and disciplinary credits, if 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~~ HAS  
15 jurisdiction over the prisoner for purposes of parole when the  
16 prisoner has served the total time of the added minimum terms,  
17 less the good time and disciplinary credit allowed by statute.  
18 The maximum terms of the sentences shall be added to compute the  
19 new maximum term under this subsection, and discharge shall be  
20 issued only after the total of the maximum sentences has been  
21 served less good time and disciplinary credits, unless the pris-  
22 oner is paroled and discharged upon satisfactory completion of  
23 the parole.

24 (3) If a prisoner has 1 or more consecutive terms remaining  
25 to serve in addition to the term he or she is serving, the parole  
26 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~~ EXCEPT AS PROVIDED IN SUBSECTION (5), A prisoner  
4 ~~under sentence~~ SENTENCED TO IMPRISONMENT for life or for a term  
5 of years, other than a prisoner sentenced TO IMPRISONMENT for  
6 life for murder in the first degree or sentenced ~~for life or~~  
7 for a minimum term of imprisonment for a major controlled sub-  
8 stance offense, who has served 10 calendar years of the sentence  
9 in the case of a prisoner sentenced for a crime committed before  
10 October 1, 1992, or who has served 15 calendar years of the sen-  
11 tence in the case of a prisoner sentenced for a crime committed  
12 on or after October 1, 1992, is subject to the jurisdiction of  
13 the parole board and may be released on parole by the parole  
14 board, subject to the following conditions:

15 (a) One member of the parole board shall interview the pris-  
16 oner at the conclusion of 10 calendar years of the sentence and  
17 every 5 years thereafter until ~~such time as~~ the prisoner is  
18 paroled, discharged, or deceased. The interview schedule pre-  
19 scribed in this subdivision applies to all prisoners to whom this  
20 subsection ~~is applicable~~ APPLIES, whether sentenced before, on,  
21 or after ~~the effective date of the 1992 amendatory act that~~  
22 ~~amended this subdivision~~ SEPTEMBER 22, 1992.

23 (b) A parole shall not be granted a prisoner so sentenced  
24 until after a public hearing held in the manner prescribed for  
25 pardons and commutations in sections 44(d) to (f) and 45. Notice  
26 of the public hearing shall be given to the sentencing judge ~~—~~  
27 or the judge's successor in office. ~~—, and parole~~ PAROLE shall

1 not be granted if the sentencing judge ~~or~~ or the judge's  
2 successor in office ~~or~~ files written objections to the granting  
3 of the parole within 30 days ~~of receipt of~~ AFTER RECEIVING the  
4 notice of hearing. The written objections shall be made part of  
5 the prisoner's file.

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

18 (d) A parole shall not be granted under this subsection ~~in~~  
19 ~~the case of~~ TO a prisoner who is otherwise prohibited by law  
20 from parole consideration. In such cases, the interview proce-  
21 dures in section 44 shall be followed.

22 (5) IF THE COURT DEPARTS FROM THE MANDATORY MINIMUM TERM OF  
23 IMPRISONMENT IN SENTENCING A PRISONER FOR A VIOLATION OF  
24 SECTION 7401(2)(A) OR 7403(2)(A) OF THE PUBLIC HEALTH CODE, ACT  
25 NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7401 AND  
26 333.7403 OF THE MICHIGAN COMPILED LAWS, THE PRISONER IS SUBJECT  
27 TO THE PAROLE BOARD'S JURISDICTION AND MAY BE RELEASED ON PAROLE

1 BY THE PAROLE BOARD, SUBJECT TO THE CONDITIONS SET FORTH IN  
2 SUBSECTION (4), AFTER THE EXPIRATION OF THE MANDATORY MINIMUM  
3 TERM OF IMPRISONMENT IMPOSED UNDER SECTION 7401(5) OR 7403(5) OF  
4 ACT NO. 368 OF THE PUBLIC ACTS OF 1978. AFTER THAT TIME, THE  
5 PAROLE BOARD SHALL CONSIDER THE PRISONER FOR PAROLE ANNUALLY UPON  
6 THE PRISONER'S REQUEST.

7 (6) ~~-(5)-~~ Except as provided in section 34a, a prisoner's  
8 release on parole ~~shall be~~ IS discretionary with the parole  
9 board. The action of the parole board in granting or denying a  
10 parole shall be appealable by the prisoner, the prosecutor of the  
11 county from which the prisoner was committed, or the victim of  
12 the crime for which the prisoner was convicted. The appeal shall  
13 be to the circuit court by leave of the court.

14 Section 2. This amendatory act shall not take effect unless  
15 Senate Bill No. \_\_\_\_ or House Bill No. 4902 (request  
16 no. 01547'93) of the 87th Legislature is enacted into law.