



HOUSE BILL No. 5440

March 24 1994 Introduced by Rep Nye 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 to 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 transferred by this act 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 make certain appropriations 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 prisoner ~~under sentence~~ SENTENCED TO IMPRISONMENT
4 for life or for a term of years, other than a prisoner sentenced
5 TO IMPRISONMENT for life for murder in the first degree, ~~or~~ A
6 PRISONER sentenced TO IMPRISONMENT for life or for a minimum term
7 of imprisonment for a major controlled substance offense, OR A
8 PRISONER SENTENCED TO IMPRISONMENT FOR LIFE UNDER SECTION 11 OF
9 CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, ACT NO 175 OF THE
10 PUBLIC ACTS OF 1927 BEING SECTION 769 12A OF THE MICHIGAN
11 COMPILED LAWS, OR A PRISONER SENTENCED TO IMPRISONMENT FOR LIFE
12 UNDER SECTION 7413A OF THE PUBLIC HEALTH CODE, ACT NO 368 OF THE
13 PUBLIC ACTS OF 1978, BEING SECTION 333 7413A OF THE MICHIGAN
14 COMPILED LAWS, who has served 10 calendar years of the sentence
15 in the case of a prisoner sentenced for a crime committed before
16 October 1 1992 or who has served 15 calendar years of the sen-
17 tence in the case of a prisoner sentenced for a crime committed
18 on or after October 1 1992 is subject to the jurisdiction of
19 the parole board and may be released on parole by the parole
20 board subject to the following conditions

21 (a) One member of the parole board shall interview the pris-
22 oner at the conclusion of 10 calendar years of the sentence and
23 every 5 years thereafter until such time as the prisoner is
24 paroled discharged or deceased The interview schedule pre-
25 scribed in this subdivision applies to all prisoners to whom this
26 subsection is applicable, whether sentenced before, on, or after

1 the effective date of the 1992 amendatory act that amended this
2 subdivision

3 (b) A parole shall not be granted a prisoner so sentenced
4 until after a public hearing held in the manner prescribed for
5 pardons and commutations in sections ~~44(d) to (f)~~ 44 and 45
6 Notice of the public hearing shall be given to the sentencing
7 judge, or the judge s successor in office, and parole shall not
8 be granted if the sentencing judge or the judge s successor in
9 office files written objections to the granting of the parole
10 within 30 days of receipt of the notice of hearing The written
11 objections shall be made part of the prisoner s file

12 (c) A parole granted under this subsection shall be for ~~a~~
13 ~~period of~~ not less than 4 years and subject to the usual rules
14 pertaining to paroles granted by the parole board A parole
15 ordered under this subsection ~~shall~~ IS not ~~become~~ valid until
16 the transcript of the record is filed with the attorney general
17 whose certification of receipt of the transcript shall be return-
18 able to the office of the parole board within 5 days Except for
19 medical records protected under section 2157 of the revised judi-
20 cature act of 1961 Act No 236 of the Public Acts of 1961 being
21 section 600 2157 of the Michigan Compiled Laws, the file of a
22 prisoner granted a parole under this subsection ~~shall be~~ IS a
23 public record

24 (d) A parole shall not be granted under this subsection in
25 the case of a prisoner who is otherwise prohibited by law from
26 parole consideration In such cases the interview procedures in
27 section 44 shall be followed

1 (5) Except as provided in section 34a, a prisoner s release
2 on parole ~~shall be~~ IS discretionary with the parole board The
3 action of the parole board in granting or denying a parole ~~shall~~
4 ~~be~~ IS appealable by the prisoner, the prosecutor of the county
5 from which the prisoner was committed, or the victim of the crime
6 for which the prisoner was convicted The appeal shall be to the
7 circuit court by leave of the court

8 Section 2 This amendatory act shall not take effect unless
9 all of the following bills of the 87th Legislature are enacted
10 into law

11 (a) Senate Bill No ___ or House Bill No 543^a (request
12 no 05948 94)

13 (b) Senate Bill No ___ or House Bill No 5441 (request
14 no 05948 94 b)