



# HOUSE BILL No. 5471

April 19 1994 Introduced by Reps Pitoniak Porreca Jersevic Anthony Scott DeMars, Joe Young Jr and Palamara 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, 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 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~~ IS subject  
6 to all 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 phys1-  
 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 WHOSE MINIMUM TERM OF IMPRISONMENT IS 2 YEARS OR MORE SHALL NOT  
 19 BE RELEASED ON PAROLE UNLESS HE OR SHE HAS EITHER EARNED A HIGH  
 20 SCHOOL DIPLOMA OR EARNED ITS EQUIVALENT IN THE FORM OF A GENERAL  
 21 EDUCATIONAL DEVELOPMENT (GED) CERTIFICATE THE DEPARTMENT OF COR-  
 22 RECTIONS MAY WAIVE THE RESTRICTION IMPOSED BY THIS SUBSECTION AS  
 23 TO ANY PRISONER WHO HAS A LEARNING DISABILITY, DOES NOT HAVE THE  
 24 NECESSARY PROFICIENCY IN ENGLISH, OR FOR SOME OTHER REASON THAT  
 25 IS NOT THE FAULT OF THE PRISONER IS UNABLE TO SUCCESSFULLY COM-  
 26 PLETE THE REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA OR A GENERAL  
 27 EDUCATIONAL DEVELOPMENT CERTIFICATE IF THE PRISONER DOES NOT

1 HAVE THE NECESSARY PROFICIENCY IN ENGLISH, THE DEPARTMENT OF  
2 CORRECTIONS SHALL PROVIDE ENGLISH LANGUAGE TRAINING FOR THAT  
3 PRISONER NECESSARY FOR THE PRISONER TO BEGIN WORKING TOWARD THE  
4 COMPLETION OF THE REQUIREMENTS FOR A GENERAL EDUCATIONAL DEVELOP-  
5 MENT CERTIFICATE

6 (2) Paroles-in-custody to answer warrants filed by local ~~—~~  
7 OR out-of-state agencies ~~—~~ or immigration officials are permis-  
8 sible, ~~provided~~ IF an accredited agent of the agency filing the  
9 warrant ~~shall call~~ CALLS for the prisoner ~~so~~ TO BE paroled in  
10 custody

11 (3) Pursuant to THE ADMINISTRATIVE PROCEDURES ACT OF 1969,  
12 Act No 306 of the Public Acts of 1969, as amended, being sec-  
13 tions 24 201 to ~~24 315~~ 24 328 of the Michigan Compiled Laws,  
14 the parole board may promulgate rules not inconsistent with this  
15 act with respect to conditions to be imposed upon paroled prison-  
16 ers paroled under this act