



HOUSE BILL No. 5587

May 26 1994 Introduced by Reps Lowe Jersevic, Kukuk Weeks Gernaat Horton Voorhees Dalman and Cropsey and referred to the Committee on Corrections

A bill to amend the title and sections 2, 4, 6, 8, 11, 31, 33, 33d, 33e, 34, 35, 36, 36a, 37, 38, 39, 39a, 40a, 41, 42, 43, 44, 45, 46, 64, 65d, and 65g 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, '

section 2 as amended by Act No 79 of the Public Acts of 1987
 section 6 as amended by Act No 271 of the Public Acts of 1986,
 sections 31, 37, and 38 as amended and sections 39a and 46 as
 added by Act No 314 of the Public Acts of 1982, section 33 as
 amended by Act No 458 of the Public Acts of 1992 section 33d as
 added by Act No 251 of the Public Acts of 1990, section 33e as
 added and sections 34, 35, and 44 as amended by Act No 181 of
 the Public Acts of 1992, sections 36, 36a, and 40a as amended by
 Act No 346 of the Public Acts of 1993, section 39 as amended by
 Act No 293 of the Public Acts of 1988, section 65d as added by
 Act No 401 of the Public Acts of 1988, and section 65g as added
 by Act No 353 of the Public Acts of 1990, being sections
 791 202, 791 204, 791 206, 791 208, 791 211, 791 231, 791 233,
 791 233d, 791 233e, 791 234, 791 235, 791 236, 791 236a, 791 237,
 791 238, 791 239, 791 239a, 791 240a, 791 241, 791 242, 791 243,
 791 244, 791 245, 791 246, 791 264 791 265d, and 791 265g of the
 Michigan Compiled Laws to add sections 31b and 34b and to
 repeal certain parts of the act

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and sections 2, 4, 6, 8, 11, 31, 33,
 2 33d, 33e, 34, 35, 36, 36a, 37, 38, 39, 39a, 40a, 41, 42, 43, 44,
 3 45, 46, 64, 65d, and 65g of Act No 232 of the Public Acts of
 4 1953, section 2 as amended by Act No 79 of the Public Acts of
 5 1987, section 6 as amended by Act No 271 of the Public Acts of
 6 1986, sections 31 37, and 38 as amended and sections 39a and 46
 7 as added by Act No 314 of the Public Acts of 1982, section 33 as
 8 amended by Act No 458 of the Public Acts of 1992, section 33d as

1 added by Act No 251 of the Public Acts of 1990, section 33e as
 2 added and sections 34, 35, and 44 as amended by Act No 181 of
 3 the Public Acts of 1992, sections 36, 36a, and 40a as amended by
 4 Act No 346 of the Public Acts of 1993, section 39 a^c amended by
 5 Act No 293 of the Public Acts of 1988, section 65d as added by
 6 Act No 401 of the Public Acts of 1988, and section 65g as added
 7 by Act No 353 of the Public Acts of 1990, being sections
 8 791 202, 791 204 791 206, 791 208, 791 211, 791 231, 791 233,
 9 791 233d, 791 233e, 791 234, 791 235, 791 236, 791 236a, 791 237,
 10 791 238, 791 239, 791 239a, 791 240a, 791 241, 791 242, 791 243,
 11 791 244, 791 245, 791 246, 791 264, 791 265d, and 791 265g of the
 12 Michigan Compiled Laws, are amended and sections 31b and 34b is
 13 added to read as follows

14 TITLE

15 An act to revise, consolidate, and codify the laws relating
 16 to probationers and probation officers, to pardons, reprieves,
 17 commutations, ~~and~~ paroles, AND SUPERVISED RELEASES, to the
 18 administration of correctional institutions, correctional farms
 19 and probation recovery camps, to prisoner labor and correctional
 20 industries, and to the supervision and inspection of local jails
 21 and houses of correction to provide for the siting of correc-
 22 tional facilities to create a state department of corrections,
 23 and to prescribe its powers and duties to provide for the trans-
 24 fer to and vesting in ~~said~~ THE department of powers and duties
 25 vested by law in certain other state boards, commissions, and
 26 officers, and to abolish certain boards, commissions, and offices
 27 the powers and duties of which are transferred by this act to

1 prescribe the powers and duties of certain other state
2 departments and agencies to provide for the creation of a local
3 lockup advisory board to prescribe penalties for the violation
4 of the provisions of this act to make certain appropriations to
5 repeal certain parts of this act on specific dates and to repeal
6 all acts and parts of acts inconsistent with the provisions of
7 this act

8 Sec 2 ~~(1) The commission shall elect annually a chair~~
9 ~~person and other officers as it considers expedient A meeting~~
10 ~~shall be held not less than once each month or at other times as~~
11 ~~considered necessary A majority of the total membership of the~~
12 ~~commission shall constitute a quorum for the transaction of~~
13 ~~business The commission shall constitute the responsible~~
14 ~~authority~~ THE DIRECTOR IS RESPONSIBLE for the administration of
15 the correctional facilities correctional industries, parole,
16 SUPERVISED RELEASE, and probation of the state subject to the
17 limitations set forth in this act The ~~commission~~ DIRECTOR
18 shall determine all matters relating to the unified development
19 of the correctional facilities, correctional industries, parole,
20 SUPERVISED RELEASE, and probation of the state and shall coordi-
21 nate and adjust the agencies and correctional facilities within
22 its jurisdiction so that each shall form an integral part of a
23 general system

24 ~~(2) The business which the commission may perform shall be~~
25 ~~conducted at a public meeting held in compliance with Act No~~
26 ~~267 of the Public Acts of 1976, being sections 15 261 to 15 275~~
27 ~~of the Michigan Compiled Laws Public notice of the time, date,~~

~~1 and place of the meeting shall be given in the manner required by~~
~~2 Act No 267 of the Public Acts of 1976~~

3 Sec 4 Subject to constitutional powers vested in the
4 executive and judicial departments of the state, the department
5 shall have exclusive jurisdiction over ~~the following (a)~~
6 ~~Probation~~ PROBATION officers of this state, and the administra-
7 tion of all orders of probation ~~, (b)~~ pardons, reprieves,
8 commutations, and paroles — and ~~(c) penal~~ CORRECTIONAL
9 institutions, correctional farms, probation recovery camps,
10 prison labor and industry wayward minor programs, and youthful
11 trainee institutions and programs for the care and supervision of
12 youthful trainees

13 Sec 6 (') The director may promulgate rules pursuant to
14 ~~the~~ the administrative procedures act of 1969, Act No 306 of the
15 Public Acts of 1969, as amended, being sections 24 201 to 24 328
16 of the Michigan Compiled Laws which may provide

17 (a) For the control, management, and operation of the gen-
18 eral affairs of the department

19 (b) For supervision and control of probationers and proba-
20 tion officers throughout the state

21 (c) For the manner in which applications for pardon,
22 reprieve, medical commutation, or commutation shall be made to
23 the governor for the procedures for handling applications and
24 recommendations by the ~~parole~~ OFFENDER REVIEW board for the
25 manner in which paroles shall be considered, the criteria to be
26 used to reach release decisions, the procedures for medical and
27 special paroles and the duties of the ~~parole~~ OFFENDER REVIEW

1 board in those matters for interviews on paroles and for the
2 notice of intent to conduct an interview for the entering of
3 appropriate orders granting or denying paroles for the supervi-
4 sion and control of ~~paroled~~ prisoners ON PAROLE OR SUPERVISED
5 RELEASE and for the revocation of parole AND FOR THE
6 DEPARTMENT'S DUTIES REGARDING THE REVOCATION OF SUPERVISED
7 RELEASE

8 (d) For the management and control of state penal institu-
9 tions correctional farms, probation recovery camps, and programs
10 for the care and supervision of youthful trainees separate and
11 apart from persons convicted of crimes within the jurisdiction of
12 the department Except as provided ~~for~~ in section 62(3), this
13 subdivision ~~shall~~ DOES not apply to detention facilities oper-
14 ated by local units of government used to detain persons less
15 than 72 hours The rules may permit the use of portions of penal
16 institutions in which persons convicted of crimes are detained
17 The rules shall provide that decisions as to the removal of a
18 youth from the youthful trainee facility or the release of a
19 youth from the supervision of the department shall be made by the
20 department and shall assign responsibility for those decisions to
21 a committee

22 (e) For the management and control of prison labor and
23 industry

24 (2) The director may promulgate rules providing for ~~a~~
25 ~~parole~~ AN OFFENDER REVIEW board structure consisting of 3-member
26 panels

1 (3) The director may promulgate further rules with respect
2 to the affairs of the department as the director considers
3 necessary or expedient for the proper administration of this
4 act The director may modify, amend, supplement, or rescind a
5 rule

6 (4) The director ~~and the corrections commission~~ shall not
7 promulgate a rule or adopt a guideline which prohibits a proba-
8 tion officer ~~or~~ or parole officer from carrying a firearm while
9 on duty

10 Sec 8 Within the department there ~~shall be~~ IS estab-
11 lished a general division of criminal statistics under the super-
12 vision and control of the director ~~He~~ THE DIRECTOR shall
13 ~~have the power and it shall be his duty to~~ obtain from all
14 chiefs of police, sheriffs, state police, prosecuting attorneys,
15 courts, judges, parole and probation officers and all others con-
16 cerned in the control apprehension trial, probation parole
17 SUPERVISED RELEASE, and commitments of adult criminals and delin-
18 quents in this state, periodical reports as to the number and
19 kinds of offenses known to law enforcement officers the numbers,
20 age, sex, race, nativity and offenses of criminals and delin-
21 quents arrested, tried and otherwise disposed of the sentences
22 imposed and whether executed or suspended the numbers placed on
23 parole, SUPERVISED RELEASE, and probation and the reasons
24 ~~therefor~~ FOR THOSE PLACEMENTS and such other information as ~~he~~
25 ~~may deem~~ THE DIRECTOR CONSIDERS necessary ~~It shall be the~~
26 ~~duty of all such~~ ALL chiefs of police, sheriffs, state police,
27 prosecuting attorneys, courts, judges, parole and probation

1 officers and others concerned ~~to~~ SHALL make such reports at
2 such times and in such manner and ~~to~~ SHALL furnish such facil-
3 ities for investigation as the director may reasonably require

4 Sec 11 The ~~commission~~ DIRECTOR, SUBJECT TO THE AUTHOR-
5 ITY OF THE GOVERNOR, shall exercise the powers and duties created
6 by Act No 89 of the Public Acts of 1935, being sections 798 101
7 to 798 103 ~~, inclusive,~~ of the MICHIGAN Compiled Laws, ~~of~~
8 ~~1948,~~ and by any interstate compact made and entered into pursu-
9 ant to ~~said~~ THAT act, in regard to the control and supervision
10 of ~~parolees and probationers~~ PERSONS PLACED ON PAROLE, SUPER-
11 VISED RELEASE, OR PROBATION, and in regard to cooperative effort
12 and mutual assistance in the prevention of crime and in the
13 enforcement of the penal laws and policies of the contracting
14 states, and the ~~commission~~ DIRECTOR may promulgate such rules
15 ~~and regulations as may be deemed~~ AS THE DIRECTOR CONSIDERS nec-
16 essary to more effectively carry out the terms of ~~the aforesaid~~
17 THAT act and compacts made pursuant ~~thereto~~ TO THAT ACT PURSU-
18 ANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969 ACT NO 306 OF
19 THE PUBLIC ACTS OF 1969, BEING SECTIONS 24 201 TO 24 328 OF THE
20 MICHIGAN COMPILED LAWS

21 Sec 31 There is established within the department a
22 bureau of field services, under the direction and supervision of
23 a deputy director in charge of field services, who shall be
24 appointed by the director and who shall be within the state civil
25 service The deputy director shall direct and supervise the work
26 of the bureau of field services and shall formulate methods of
27 investigation and supervision and develop various processes in

1 the technique of ~~supervision by the parole staff~~ SUPERVISING
 2 PERSONS ON PROBATION, PAROLE, OR SUPERVISED RELEASE The deputy
 3 director is responsible for all investigations of persons eligi-
 4 ble for release from state ~~penal institutions~~ CORRECTIONAL
 5 FACILITIES, and for the general supervision of persons released
 6 from ~~penal institutions~~ STATE CORRECTIONAL FACILITIES The
 7 deputy director in charge of the bureau of field services is
 8 responsible for the collection and preservation of records and
 9 statistics with respect to ~~paroled prisoners~~ PERSONS PLACED ON
 10 PROBATION, PAROLE, OR SUPERVISED RELEASE as may be required by
 11 the director ~~and the chairperson of the parole board~~ The
 12 deputy director shall employ parole officers and assistants as
 13 may be necessary, subject to the approval of the director The
 14 deputy director shall select secretarial and other assistants as
 15 may be necessary and may obtain permanent quarters for the staff
 16 as may be necessary

17 SEC 31B (1) BEGINNING ON THE EFFECTIVE DATE OF THE 1994
 18 AMENDATORY ACT THAT ADDED THIS SECTION THERE IS ESTABLISHED IN
 19 THE DEPARTMENT AN OFFENDER REVIEW BOARD CONSISTING OF 10 MEMBERS
 20 WHO SHALL BE APPOINTED BY THE DIRECTOR AND WHO SHALL NOT BE
 21 WITHIN THE STATE CIVIL SERVICE

22 (2) MEMBERS OF THE OFFENDER REVIEW BOARD SHALL BE APPOINTED
 23 TO TERMS OF 4 YEARS EACH, EXCEPT THAT OF THE MEMBERS FIRST
 24 APPOINTED, 4 SHALL SERVE FOR TERMS OF 4 YEARS EACH, 3 SHALL SERVE
 25 FOR TERMS OF 3 YEARS EACH, AND 3 SHALL SERVE FOR TERMS OF 2 YEARS
 26 EACH A MEMBER MAY BE REAPPOINTED THE DIRECTOR MAY REMOVE A
 27 MEMBER OF THE BOARD FOR INCOMPETENCY DERELICTION OF DUTY,

1 MALFEASANCE MISFEASANCE OR NONFEASANCE IN OFFICE IF A VACANCY
2 OCCURS ON THE BOARD, THE DIRECTOR SHALL MAKE AN APPOINTMENT FOR
3 THE UNEXPIRED TERM IN THE SAME MANNER AS AN ORIGINAL
4 APPOINTMENT AT LEAST 4 MEMBERS OF THE BOARD SHALL BE PERSONS
5 WHO, AT THE TIME OF THEIR APPOINTMENT, HAVE NEVER BEEN EMPLOYED
6 BY OR APPOINTED TO A POSITION IN THE DEPARTMENT OF CORRECTIONS,
7 EXCEPT THAT THIS LIMITATION DOES NOT APPLY TO A PERSON WHO SERVED
8 AS A MEMBER OF THE FORMER PAROLE BOARD THAT WAS ABOLISHED BY THE
9 1994 AMENDATORY ACT THAT ADDED THIS SECTION

10 (3) EACH MEMBER OF THE OFFENDER REVIEW BOARD SHALL RECEIVE
11 AN ANNUAL SALARY AS ESTABLISHED BY THE LEGISLATURE AND SHALL BE
12 ENTITLED TO NECESSARY TRAVELING EXPENSES INCURRED IN THE PER-
13 FORMANCE OF OFFICIAL DUTIES SUBJECT TO THE STANDARDIZED TRAVEL
14 REGULATIONS OF THE STATE

15 (4) THE CHAIRPERSON OF THE OFFENDER REVIEW BOARD SHALL BE
16 DESIGNATED BY THE DIRECTOR THE CHAIRPERSON OF THE BOARD IS
17 RESPONSIBLE FOR THE ADMINISTRATION AND OPERATION OF THE BOARD
18 THE CHAIRPERSON MAY CONDUCT INTERVIEWS AND PARTICIPATE IN THE
19 DECISION MAKING PROCESS REGARDING SUPERVISED RELEASE AND PAROLE
20 THE CHAIRPERSON SHALL SELECT SECRETARIES AND OTHER ASSISTANTS AS
21 THE CHAIRPERSON CONSIDERS NECESSARY

22 Sec 33 (1) ~~The~~ A grant of a parole ~~shall be~~ IS
23 AVAILABLE ONLY TO PRISONERS SENTENCED FOR A CRIME COMMITTED ON OR
24 BEFORE THE EFFECTIVE DATE OF THE 1994 AMENDATORY ACT THAT AMENDED
25 THIS SECTION AND IS subject to all of the following

26 (a) A prisoner shall not be ~~given his liberty~~ PLACED on
27 parole until the board has reasonable assurance, after

1 consideration of all of the facts and circumstances including
2 the prisoner s mental and social attitude, that the prisoner will
3 not become a menace to society or to the public safety

4 (b) A parole shall not be granted to a prisoner until the
5 prisoner has served the minimum term imposed by the court less
6 allowances for good time, ~~or~~ special good time OR, DISCIPLINARY
7 CREDITS to which the prisoner may be entitled ~~to~~ by statute,
8 except that ~~prisoners~~ A PRISONER shall be eligible for parole
9 ~~prior to~~ BEFORE the expiration of ~~their~~ HIS OR HER minimum
10 ~~terms~~ TERM of imprisonment whenever the sentencing judge, or
11 the judge s successor in office, gives written approval of the
12 parole of the prisoner ~~prior to~~ BEFORE the expiration of the
13 minimum ~~terms~~ TERM of imprisonment

14 (c) Notwithstanding ~~the provisions of~~ subdivision (b), a
15 parole shall not be granted to a prisoner sentenced for the com-
16 mission of a crime described in section 33b(a) to (cc) until the
17 prisoner has served the minimum term imposed by the court less an
18 allowance for disciplinary credits as provided in section 33(5)
19 of Act No 118 of the Public Acts of 1893, being section 800 33
20 of the Michigan Compiled Laws A prisoner described in this sub-
21 division is not eligible for special parole

22 (d) A prisoner shall not be released on parole until the
23 ~~parole~~ OFFENDER REVIEW board has satisfactory evidence that
24 arrangements have been made for such honorable and useful employ-
25 ment as the prisoner is capable of performing, or the prisoner's
26 education, or for the prisoner's care if the prisoner is mentally
27 or physically ill or incapacitated

1 ~~(e) If a prisoner is serving a sentence for a crime~~
 2 ~~committed during the time the prisoner was on parole due to a~~
 3 ~~reduction of a previous prison term under the prison overcrowding~~
 4 ~~emergency powers act, Act No 519 of the Public Acts of 1980,~~
 5 ~~being sections 800 71 to 800 79 of the Michigan Compiled Laws,~~
 6 ~~that prisoner shall not be released on parole due to a reduction~~
 7 ~~in the prisoner's minimum term under the prison overcrowding~~
 8 ~~emergency powers act, Act No 519 of the Public Acts of 1980~~

9 (2) Paroles-in-custody to answer warrants filed by local,
 10 out-of-state agencies, or immigration officials are permissible
 11 ~~, provided~~ IF an accredited agent of the agency filing the war-
 12 rant ~~shall call~~ CALLS for the prisoner ~~so~~ WHO IS TO BE
 13 paroled in custody

14 (3) Pursuant to Act No 306 of the Public Acts of 1969, as
 15 amended, being sections 24 201 to ~~24 315~~ 24 328 of the Michigan
 16 Compiled Laws the ~~parole~~ OFFENDER REVIEW board may promulgate
 17 rules not inconsistent with this act with respect to conditions
 18 to be imposed upon ~~paroled prisoners paroled~~ PERSONS PLACED ON
 19 PAROLE OR SUPERVISED RELEASE under this act

20 Sec 33d If a prisoner is serving a sentence for a viola-
 21 tion or an attempted violation of section 520b, 520c 520d, 520e,
 22 520f, or 520g of the Michigan penal code, Act No 328 of the
 23 Public Acts of 1931, being sections 750 520b, 750 520c, 750 520d,
 24 750 520e, 750 520f, and 750 520g of the Michigan Compiled Laws,
 25 the prisoner shall not be ~~released~~ PLACED on parole OR SUPER-
 26 VISED RELEASE until he or she has provided blood samples for
 27 chemical testing for DNA identification profiling or a

1 determination of the blood s genetic markers and has provided
2 samples of his or her saliva for chemical testing to determine
3 the secretor status of the saliva However, if at the time the
4 prisoner is to be released the department of state police already
5 has a sample of the prisoner's blood or saliva that meets the
6 requirements of the rules promulgated under the DNA identifica-
7 tion profiling system act, the prisoner is not required to pro-
8 vide another sample of the same body fluid The blood or saliva
9 samples required to be collected under this section shall be col-
10 lected by the department and transmitted by the department to the
11 department of state police in the manner prescribed by rules
12 promulgated under the DNA identification profiling system act

13 Sec 33e (1) The department shall develop parole guide-
14 lines that are consistent with section 33(1)(a) and that shall
15 govern the exercise of the ~~parole~~ OFFENDER REVIEW board's dis-
16 cretion pursuant to sections 34 and 35 as to the release of pris-
17 oners on parole under this act The purpose of the parole guide-
18 lines shall be to assist the ~~parole~~ OFFENDER REVIEW board in
19 making release decisions that enhance the public safety

20 (2) In developing the parole guidelines, the department
21 shall consider factors including, but not limited to, the
22 following

23 (a) The offense for which the prisoner is incarcerated at
24 the time of parole consideration

25 (b) The prisoner's institutional program performance

26 (c) The prisoner's institutional conduct

1 (d) The prisoner s prior criminal record As used in this
2 subdivision, prior criminal record means the recorded criminal
3 history of a prisoner, including all misdemeanor and felony con-
4 victions, probation violations, juvenile adjudications for acts
5 that would have been crimes if committed by an adult, parole
6 failures, and delayed sentences

7 (e) Other relevant factors as determined by the department,
8 if not otherwise prohibited by law

9 (3) In developing the parole guidelines, the department may
10 consider both of the following factors

11 (a) The prisoner's statistical risk screening

12 (b) The prisoner's age

13 (4) The department shall ensure that the parole guidelines
14 do not create disparities in release decisions based on race,
15 color, national origin, gender, religion, or disability

16 (5) The department shall promulgate rules pursuant to the
17 administrative procedures act of 1969, Act No 306 of the Public
18 Acts of 1969 being sections 24 201 to 24 328 of the Michigan
19 Compiled Laws which shall prescribe the parole guidelines The
20 department shall submit the proposed rules to the joint committee
21 on administrative rules not later than April 1, 1994 Until the
22 rules take effect, the director shall require that the parole
23 guidelines be considered by the ~~parole~~ OFFENDER REVIEW board in
24 making release decisions After the rules take effect, the
25 director shall require that the ~~parole~~ OFFENDER REVIEW board
26 follow the parole guidelines

1 (6) The ~~parole~~ OFFENDER REVIEW board may depart from the
2 parole guidelines by denying parole to a prisoner who has a high
3 probability of parole as determined under the parole guidelines
4 or by granting parole to a prisoner who has a low probability of
5 parole as determined under the parole guidelines A departure
6 under this subsection shall be for substantial and compelling
7 reasons stated in writing The ~~parole~~ OFFENDER REVIEW board
8 shall not use a prisoner s gender, race, ethnicity, alienage,
9 national origin or religion to depart from the recommended
10 parole guidelines

11 (7) ~~Not less than once every 2 years, the department shall~~
12 ~~review the correlation between the implementation of the parole~~
13 ~~guidelines and the recidivism rate of paroled prisoners, and~~
14 ~~shall submit to the joint committee on administrative rules any~~
15 ~~proposed revisions to the administrative rules that the depart-~~
16 ~~ment considers appropriate after conducting the review~~ THE
17 PAROLE GUIDELINES APPLY ONLY TO PRISONERS SENTENCED FOR CRIMES
18 COMMITTED ON OR BEFORE THE EFFECTIVE DATE OF THE 1994 AMENDATORY
19 ACT THAT AMENDED THIS SECTION

20 Sec 34 (1) Except as provided in section 34a, a prisoner
21 sentenced FOR A CRIME COMMITTED ON OR BEFORE THE EFFECTIVE DATE
22 OF THE 1994 AMENDATORY ACT THAT AMENDED THIS SECTION to an inde-
23 terminate sentence and confined in a state correctional facility
24 with a minimum in terms of years shall be subject to the juris-
25 diction of the ~~parole~~ OFFENDER REVIEW board FOR PURPOSES OF
26 PAROLE CONSIDERATION when the prisoner has served a period of
27 time equal to the minimum sentence imposed by the court for the

1 crime of which he or she was convicted, less good time and
2 disciplinary credits if applicable

3 (2) If a prisoner DESCRIBED IN SUBSECTION (1) is sentenced
4 for consecutive terms, whether received at the same time or at
5 any time during the ~~life~~ TERM of the original sentence, the
6 ~~parole~~ OFFENDER REVIEW board ~~shall have~~ HAS jurisdiction over
7 the prisoner for purposes of parole when the prisoner has served
8 the total time of the added minimum terms, less the good time and
9 disciplinary credit allowed by statute The maximum terms of the
10 sentences shall be added to compute the new maximum term under
11 this subsection, and discharge shall be issued only after the
12 total of the maximum sentences has been served less good time and
13 disciplinary credits, unless the prisoner is paroled and dis-
14 charged upon satisfactory completion of the parole

15 (3) If a prisoner DESCRIBED IN SUBSECTION (1) has 1 or more
16 consecutive terms remaining to serve in addition to the term he
17 or she is serving, the ~~parole~~ OFFENDER REVIEW board may termi-
18 nate the sentence the prisoner is presently serving at any time
19 after the minimum term of the sentence has been served

20 (4) A prisoner ~~under sentence~~ SENTENCED FOR A CRIME COM-
21 MITTED ON OR BEFORE THE 1994 AMENDATORY ACT THAT AMENDED THIS
22 SECTION for life or for a term of years, other than a prisoner
23 sentenced for life for murder in the first degree or sentenced
24 for life or for a minimum term of imprisonment for a major con-
25 trolled substance offense who has served 10 calendar years of
26 the sentence in the case of a prisoner sentenced for a crime
27 committed before October 1, 1992, or who has served 15 calendar

1 years of the sentence in the case of a prisoner sentenced for a
 2 crime committed on or after October 1, 1992 BUT NOT LATER THAN
 3 THE EFFECTIVE DATE OF THE 1994 AMENDATORY ACT THAT AMENDED THIS
 4 SECTION, is subject to the jurisdiction of the ~~parole~~ OFFENDER
 5 REVIEW board and may be released on parole by the ~~parole~~
 6 OFFENDER REVIEW board subject to the following conditions

7 (a) One member of the ~~parole~~ OFFENDER REVIEW board shall
 8 interview the prisoner at the conclusion of 10 calendar years of
 9 the sentence and every 5 years thereafter until ~~such time as~~
 10 the prisoner is paroled, discharged, or deceased The interview
 11 schedule prescribed in this subdivision applies to all prisoners
 12 ~~to whom this subsection is applicable, whether~~ sentenced ON OR
 13 before ~~, on, or after~~ the effective date of the ~~1992~~ 1994
 14 amendatory act that amended this ~~subdivision~~ SECTION

15 (b) A parole shall not be granted a prisoner so sentenced
 16 until after a public hearing held in the manner prescribed for
 17 pardons and commutations in sections ~~44(d) to (f)~~ 44(3) and
 18 45 Notice of the public hearing shall be given to the sentenc-
 19 ing judge or the judge s successor in office and parole shall
 20 not be granted if the sentencing judge, or the judge s successor
 21 in office, files written objections to the granting of the parole
 22 within 30 days of receipt of the notice of hearing The written
 23 objections shall be made part of the prisoner's file

24 (c) A parole granted under this subsection shall be for a
 25 period of not less than 4 years and subject to the usual rules
 26 pertaining to paroles granted by the ~~parole~~ OFFENDER REVIEW
 27 board A parole ordered under this subsection ~~shall~~ IS not

1 ~~become~~ valid until the transcript of the record is filed with
2 the attorney general whose certification of receipt of the tran-
3 script shall be returnable to the office of the ~~parole~~ OFFENDER
4 REVIEW board within 5 days Except for medical records protected
5 under section 2157 of the revised judicature act of 1961, Act
6 No 236 of the Public Acts of 1961, being section 600 2157 of the
7 Michigan Compiled Laws, the file of a prisoner granted a parole
8 under this subsection ~~shall be~~ IS a public record

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

13 (5) Except as provided in section 34a, a prisoner's release
14 on parole ~~shall be~~ IS discretionary with the ~~parole~~ OFFENDER
15 REVIEW board The action of the ~~parole~~ OFFENDER REVIEW board
16 in granting or denying a parole ~~shall be~~ IS appealable by the
17 prisoner, the prosecutor of the county from which the prisoner
18 was committed, or the victim of the crime for which the prisoner
19 was convicted The appeal shall be to the circuit court by leave
20 of the court

21 (6) AN ORDER OF PAROLE ISSUED ON OR BEFORE THE EFFECTIVE
22 DATE OF THE 1994 AMENDATORY ACT THAT ADDED THIS SUBSECTION
23 REMAINS VALID NOTWITHSTANDING THE ABOLITION OF THE PAROLE BOARD
24 AND THE CREATION OF THE OFFENDER REVIEW BOARD THE OFFENDER
25 REVIEW BOARD IS THE SUCCESSOR OF THE FORMER PAROLE BOARD FOR ALL
26 PURPOSES RELATING TO PAROLES ISSUED ON OR BEFORE THE EFFECTIVE
27 DATE OF THE 1994 AMENDATORY ACT THAT ADDED THIS SUBSECTION, AND

1 HAS FULL POWER AND AUTHORITY TO EFFECTUATE THOSE ORDERS AS
2 PROVIDED IN THIS ACT

3 (7) A PRISONER SENTENCED FOR A CRIME COMMITTED AFTER THE
4 EFFECTIVE DATE OF THE 1994 AMENDATORY ACT THAT ADDED THIS SUBSEC-
5 TION IS NOT ELIGIBLE FOR PAROLE, AND SHALL INSTEAD BE SUBJECT TO
6 THE SUPERVISED RELEASE PROVISIONS OF SECTION 34B AND TO THE CON-
7 TINUING JURISDICTION OF THE COURT PURSUANT TO SECTION 8A OF CHAP-
8 TER IX OF THE CODE OF CRIMINAL PROCEDURE, ACT NO 175 OF THE
9 PUBLIC ACTS OF 1927, BEING SECTION 769 8A OF THE MICHIGAN
10 COMPILED LAWS

11 SEC 34B (1) THE OFFENDER REVIEW BOARD SHALL ISSUE AN
12 ORDER OF SUPERVISED RELEASE FOR EVERY PRISONER SENTENCED FOR AN
13 OFFENSE COMMITTED AFTER THE EFFECTIVE DATE OF THE 1994 AMENDATORY
14 ACT THAT ADDED THIS SECTION

15 (2) AN ORDER OF SUPERVISED RELEASE SHALL BE ISSUED TO A
16 PRISONER WHEN THE PRISONER COMPLETES HIS OR HER SENTENCE, LESS
17 ANY APPLICABLE DISCIPLINARY CREDITS IF THE PRISONER IS SEN-
18 TENCED FOR CONSECUTIVE TERMS, WHETHER RECEIVED AT THE SAME TIME
19 OR AT ANY TIME DURING THE TERM OF THE ORIGINAL SENTENCE THE
20 ORDER OF SUPERVISED RELEASE SHALL BE ISSUED WHEN THE PRISONER HAS
21 SERVED THE TOTAL TIME OF THE ADDED TERMS, LESS ANY APPLICABLE
22 DISCIPLINARY CREDITS

23 (3) NOT LATER THAN 60 DAYS BEFORE THE DATE ON WHICH A PRIS-
24 ONER WILL HAVE SERVED HIS OR HER SENTENCE, LESS ANY APPLICABLE
25 DISCIPLINARY CREDITS, THE OFFENDER REVIEW BOARD SHALL REVIEW THE
26 INSTITUTIONAL RECORD OF THE PRISONER, AND SHALL DETERMINE WHETHER
27 ANY SPECIFIC CONDITIONS OF SUPERVISED RELEASE SHALL BE IMPOSED

1 FOR THAT PRISONER, WHICH SHALL BE IN ADDITION TO THOSE CONDITIONS
2 IMPOSED BY STATUTE OR INCLUDED IN THE PRISONER S JUDGMENT OF
3 SENTENCE THE OFFENDER REVIEW BOARD MAY INTERVIEW A PRISONER
4 WHEN DECIDING WHETHER TO IMPOSE SPECIFIC CONDITIONS OF SUPERVISED
5 RELEASE THE PERIOD OF SUPERVISED RELEASE FOR EACH PRISONER
6 SHALL BE AS DETERMINED IN THE JUDGMENT OF SENTENCE

7 (4) THE DEPARTMENT SHALL SUBMIT A PETITION TO THE PROBATE
8 COURT UNDER SECTION 434 OF THE MENTAL HEALTH CODE, ACT NO 258 OF
9 THE PUBLIC ACTS OF 1974, BEING SECTION 330 1434 OF THE MICHIGAN
10 COMPILED LAWS, FOR ANY PRISONER BEING PLACED ON SUPERVISED
11 RELEASE WHOM THE DEPARTMENT CONSIDERS TO BE A PERSON REQUIRING
12 TREATMENT THE OFFENDER REVIEW BOARD SHALL REQUIRE MENTAL HEALTH
13 TREATMENT AS A CONDITION OF SUPERVISED RELEASE FOR ANY PERSON
14 WHOM THE DEPARTMENT HAS DETERMINED TO BE A PERSON REQUIRING
15 TREATMENT WHETHER OR NOT THE PETITION FILED FOR THAT PERSON IS
16 GRANTED BY THE PROBATE COURT AS USED IN THIS SUBSECTION,
17 "PERSON REQUIRING TREATMENT" MEANS THAT TERM AS DEFINED IN
18 SECTION 401 OF ACT NO 258 OF THE PUBLIC ACTS OF 1974, BEING
19 SECTION 330 1401 OF THE MICHIGAN COMPILED LAWS

20 (5) IF THE TIME SERVED ON A SENTENCE, OR ON 1 OR MORE CON-
21 SECUTIVE SENTENCES, EXCEEDS 10 CALENDAR YEARS, THE OFFENDER
22 REVIEW BOARD SHALL INTERVIEW THE PRISONER AT THE CONCLUSION OF 10
23 CALENDAR YEARS OF THE SENTENCE AND EVERY 5 YEARS AFTER THAT DATE
24 UNTIL THE PRISONER IS PLACED ON SUPERVISED RELEASE OR IS
25 DECEASED

26 (6) THE ORDER OF SUPERVISED RELEASE SHALL CONTAIN A
27 CONDITION TO PAY RESTITUTION TO THE VICTIM OF THE PRISONER'S

1 CRIME OR THE VICTIM S ESTATE IF THE PRISONER WAS ORDERED TO MAKE
2 RESTITUTION PURSUANT TO THE CRIME VICTIM S RIGHTS ACT, ACT NO 87
3 OF THE PUBLIC ACTS OF 1985, BEING SECTIONS 780 751 TO 780 834 OF
4 THE MICHIGAN COMPILED LAWS, OR THE CODE OF CRIMINAL PROCEDURE,
5 ACT NO 175 OF THE PUBLIC ACTS OF 1927, BEING SECTIONS 760 1 TO
6 776 21 OF THE MICHIGAN COMPILED LAWS

7 (7) THE ORDER OF SUPERVISED RELEASED SHALL CONTAIN A CONDI-
8 TION REQUIRING THE PAYMENT OF AN OFFENDER SUPERVISION FEE AS PRE-
9 SCRIBED IN SECTION 36A

10 (8) THE ORDER OF SUPERVISED RELEASE SHALL CONTAIN A CONDI-
11 TION REQUIRING THE PRISONER TO PAY ANY ASSESSMENT HE OR SHE WAS
12 ORDERED TO PAY PURSUANT TO SECTION 5 OF ACT NO 196 OF THE PUBLIC
13 ACTS OF 1989, BEING SECTION 780 905 OF THE MICHIGAN COMPILED
14 LAWS

15 (9) IN EACH CASE IN WHICH PAYMENT OF RESTITUTION IS ORDERED
16 AS A CONDITION OF SUPERVISED RELEASE A PAROLE OFFICER ASSIGNED
17 TO A CASE SHALL REVIEW THE CASE NOT LESS THAN TWICE YEARLY TO
18 ENSURE THAT RESTITUTION IS BEING PAID AS ORDERED THE FINAL
19 REVIEW SHALL BE CONDUCTED NOT LESS THAN 60 DAYS BEFORE THE EXPI-
20 RATION OF THE PERIOD OF SUPERVISED RELEASE IF THE PAROLE OFFI-
21 CER DETERMINES THAT RESTITUTION IS NOT BEING PAID AS ORDERED THE
22 PAROLE OFFICER SHALL FILE A WRITTEN REPORT OF THE VIOLATION WITH
23 THE OFFENDER REVIEW BOARD ON A FORM PRESCRIBED BY THE OFFENDER
24 REVIEW BOARD THE REPORT SHALL INCLUDE A STATEMENT OF THE AMOUNT
25 OF ARREARAGE AND ANY REASONS FOR THE ARREARAGE KNOWN BY THE
26 PAROLE OFFICER THE OFFENDER REVIEW BOARD SHALL IMMEDIATELY

1 PROVIDE A COPY OF THE REPORT TO THE COURT THE PROSECUTING
2 ATTORNEY, AND THE VICTIM

3 Sec 35 (1) The release of a prisoner on parole shall be
4 granted solely upon the initiative of the ~~parole~~ OFFENDER
5 REVIEW board The ~~parole~~ OFFENDER REVIEW board may grant a
6 parole without interviewing the prisoner However, beginning on
7 the date on which the administrative rules prescribing parole
8 guidelines pursuant to section 33e(5) take effect, the ~~parole~~
9 OFFENDER REVIEW board may grant a parole without interviewing the
10 prisoner only if, after evaluating the prisoner according to the
11 parole guidelines, the ~~parole~~ OFFENDER REVIEW board determines
12 that the prisoner has a high probability of being paroled and the
13 ~~parole~~ OFFENDER REVIEW board therefore intends to parole the
14 prisoner Except as provided in subsection (2), a prisoner shall
15 not be denied parole without an interview before 1 member of the
16 ~~parole~~ OFFENDER REVIEW board The interview shall be conducted
17 at least 1 month before the expiration of the prisoner's minimum
18 sentence less applicable good time and disciplinary credits The
19 ~~parole~~ OFFENDER REVIEW board shall consider any statement made
20 to the ~~parole~~ OFFENDER REVIEW board by a crime victim under the
21 crime victim's rights act, Act No 87 of the Public Acts of 1985,
22 being sections 780 751 to 780 834 of the Michigan Compiled Laws,
23 or under any other provision of law The ~~parole~~ OFFENDER
24 REVIEW board shall not consider any of the following factors in
25 making a parole determination

26 (a) A juvenile record that a court has ordered the
27 department to expunge

1 (b) Information that is determined by the ~~parole~~ OFFENDER
2 REVIEW board to be inaccurate or irrelevant after a challenge and
3 presentation of relevant evidence by a prisoner who has received
4 a notice of intent to conduct an interview as provided in subsec-
5 tion (4) This subdivision applies only to presentence investi-
6 gation reports prepared before April 1, 1983

7 (2) Beginning on the date on which the administrative rules
8 prescribing the parole guidelines take effect pursuant to
9 section 33e(5), if, after evaluating a prisoner according to the
10 parole guidelines, the ~~parole~~ OFFENDER REVIEW board determines
11 that the prisoner has a low probability of being paroled and the
12 ~~parole~~ OFFENDER REVIEW board therefore does not intend to
13 parole the prisoner, the ~~parole~~ OFFENDER REVIEW board shall not
14 be required to interview the prisoner before denying parole to
15 the prisoner

16 (3) The ~~parole~~ OFFENDER REVIEW board may consider ~~—~~ but
17 shall not base a determination to deny parole solely on either of
18 the following

19 (a) A prisoner's marital history

20 (b) Prior arrests not resulting in conviction or adjudica-
21 tion of delinquency

22 (4) If an interview is to be conducted, the prisoner shall
23 be sent a notice of intent to conduct an interview at least 1
24 month before the date of the interview The notice shall state
25 the specific issues and concerns that shall be discussed at the
26 interview and that may be a basis for a denial of parole A
27 denial of parole shall not be based on reasons other than those

1 stated in the notice of intent to conduct an interview except for
2 good cause stated to the prisoner at or before the interview and
3 in the written explanation required by subsection (12) This
4 subsection does not apply until April 1, 1983

5 (5) Except for good cause, the ~~parole~~ OFFENDER REVIEW
6 board member conducting the interview shall not have cast a vote
7 for or against the prisoner's release before conducting the cur-
8 rent interview Before the interview, the ~~parole~~ OFFENDER
9 REVIEW board member who is to conduct the interview shall review
10 pertinent information relative to the notice of intent to conduct
11 an interview

12 (6) A prisoner may waive the right to an interview by 1
13 member of the ~~parole~~ OFFENDER REVIEW board The waiver of the
14 right to be interviewed shall be given not more than 30 days
15 after the notice of intent to conduct an interview is issued and
16 shall be made in writing During the interview held pursuant to
17 a notice of intent to conduct an interview, the prisoner may be
18 represented by an individual of his or her choice The represen-
19 tative shall not be another prisoner or an attorney A prisoner
20 is not entitled to appointed counsel at public expense The
21 prisoner or representative may present relevant evidence in sup-
22 port of release This subsection does not apply until April 1,
23 1983

24 (7) At least 90 days before the expiration of the prisoner's
25 minimum sentence, or the expiration of a 12-month continuance a
26 parole eligibility report shall be prepared by appropriate
27 institutional staff The parole eligibility report shall be

1 considered pertinent information for purposes of subsection (5)

2 The report shall include all of the following

3 (a) A statement of all major misconduct charges of which the
4 prisoner was found guilty and the punishment served for the
5 misconduct

6 (b) The prisoner s work and educational record while
7 confined

8 (c) The results of any physical, mental, or psychiatric
9 examinations of the prisoner that may have been performed

10 (d) Whether the prisoner fully cooperated with the state by
11 providing complete financial information as required under sec-
12 tion 3a of the state correctional facility reimbursement act, Act
13 No 253 of the Public Acts of 1935, being section 800 403a of the
14 Michigan Compiled Laws

15 (8) The preparer of the report shall not include a recommen-
16 dation as to release on parole

17 (9) Psychological evaluations performed at the request of
18 the ~~parole~~ OFFENDER REVIEW board to assist it in reaching a
19 decision on the release of a prisoner may be performed by the
20 same person who provided the prisoner with therapeutic treatment,
21 unless a different person is requested by the prisoner or
22 ~~parole~~ THE board

23 (10) The ~~parole~~ OFFENDER REVIEW board may grant a medical
24 parole for a prisoner determined to be physically or mentally
25 incapacitated A decision to grant a medical parole shall be
26 initiated upon the recommendation of the bureau of health care

1 services and shall be reached only after a review of the medical,
2 institutional and criminal records of the prisoner

3 (11) The department shall submit a petition to the probate
4 court under section 434 of the mental health code, Act No 258 of
5 the Public Acts of 1974, being section 330 1434 of the Michigan
6 Compiled Laws, for any prisoner being paroled or being released
7 after serving his or her maximum sentence whom the department
8 considers to be a person requiring treatment The ~~parole~~
9 OFFENDER REVIEW board shall require mental health treatment as a
10 special condition of parole for any parolee whom the department
11 has determined to be a person requiring treatment whether or not
12 the petition filed for that prisoner is granted by the probate
13 court As used in this subsection, "person requiring treatment"
14 means that term as defined in section 401 of Act No 258 of the
15 Public Acts of 1974, being section 330 1401 of the Michigan
16 Compiled Laws

17 (12) When the ~~parole~~ OFFENDER REVIEW board makes a final
18 determination not to release a prisoner, the prisoner shall be
19 provided with a written explanation of the reason for denial and
20 if appropriate, specific recommendations for corrective action
21 the prisoner may take to facilitate release

22 (13) This section does not apply to the placement on parole
23 of a person in conjunction with special alternative incarceration
24 under section 34a(7)

25 (14) THIS SECTION APPLIES ONLY TO PRISONERS SENTENCED FOR
26 CRIMES COMMITTED ON OR BEFORE THE EFFECTIVE DATE OF THE 1994
27 AMENDATORY ACT THAT ADDED THIS SUBSECTION

1 Sec 36 (1) All paroles shall be ordered by the ~~parole~~
2 OFFENDER REVIEW board and shall be signed by the chairperson
3 Written notice of the order shall be given to the sheriff or
4 other police officer of the municipality or county in which the
5 prisoner was convicted, and to the sheriff or other local police
6 officer of the municipality or county to which the paroled pris-
7 oner is sent

8 (2) An order of parole may be amended or rescinded at the
9 discretion of the ~~parole~~ OFFENDER REVIEW board for cause A
10 parole shall not be rescinded unless an interview is conducted by
11 1 member of the ~~parole~~ OFFENDER REVIEW board The purpose of
12 the interview is to consider and act upon information received by
13 the board after the original parole release decision A rescis-
14 sion interview shall be conducted within 45 days after receiving
15 the new information At least 10 days before the interview, the
16 parolee shall receive a copy or summary of the new evidence that
17 is the basis for the interview An amendment to a parole order
18 shall be in writing and is not effective until notice of the
19 amendment is given to the parolee

20 (3) When an order for parole is issued, the order shall con-
21 tain the conditions of the parole and shall specifically provide
22 proper means of supervision of the paroled prisoner in accordance
23 with the rules of the bureau of field services

24 (4) The order of parole shall contain a condition to pay
25 restitution to the victim of the prisoner's crime or the victim's
26 estate if the prisoner was ordered to make restitution pursuant
27 to the crime victim s rights act, Act No 87 of the Public Acts

1 of 1985 being sections 780 751 to 780 834 of the Michigan
2 Compiled Laws, or the code of criminal procedure, Act No 175 of
3 the Public Acts of 1927, being sections 760 1 to 776 21 of the
4 Michigan Compiled Laws

5 (5) The order of parole shall contain a condition requiring
6 the parolee to pay ~~a parole~~ AN OFFENDER supervision fee as pre-
7 scribed in section 36a

8 (6) The order of parole shall contain a condition requiring
9 the parolee to pay any assessment the prisoner was ordered to pay
10 pursuant to section 5 of Act No 196 of the Public Acts of 1989,
11 being section 780 905 of the Michigan Compiled Laws

12 (7) In each case in which payment of restitution is ordered
13 as a condition of parole, a parole officer assigned to a case
14 shall review the case not less than twice yearly to ensure that
15 restitution is being paid as ordered The final review shall be
16 conducted not less than 60 days before the expiration of the
17 parole period If the parole officer determines that restitution
18 is not being paid as ordered the parole officer shall file a
19 written report of the violation with the ~~parole~~ OFFENDER REVIEW
20 board on a form prescribed by the ~~parole~~ OFFENDER REVIEW
21 board The report shall include a statement of the amount of
22 arrearage and any reasons for the arrearage known by the parole
23 officer The ~~parole~~ OFFENDER REVIEW board shall immediately
24 provide a copy of the report to the court, the prosecuting attor-
25 ney, and the victim

1 (8) THIS SECTION APPLIES ONLY TO PRISONERS SENTENCED FOR
 2 CRIMES COMMITTED ON OR BEFORE THE EFFECTIVE DATE OF THE 1994
 3 AMENDATORY ACT THAT ADDED THIS SUBSECTION

4 Sec 36a (1) The ~~parole~~ OFFENDER REVIEW board shall
 5 include in each order of parole AND IN EACH ORDER OF SUPERVISED
 6 RELEASE A PROVISION STATING that the department of corrections
 7 shall collect ~~a parole~~ AN OFFENDER supervision fee of not more
 8 than \$30 00 multiplied by the number of months of parole OR
 9 SUPERVISED RELEASE ordered, but not more than 60 months The fee
 10 is payable when the parole order OR SUPERVISED RELEASE ORDER is
 11 entered, but the fee may be paid in monthly installments if the
 12 ~~parole~~ OFFENDER REVIEW board approves installment payments for
 13 that ~~parolee~~ PERSON In determining the amount of the fee, the
 14 ~~parole~~ OFFENDER REVIEW board shall consider the ~~parolee's~~
 15 PERSON S projected income and financial resources The ~~parole~~
 16 OFFENDER REVIEW board shall use the following table of projected
 17 monthly income in determining the amount of the fee to be
 18 ordered

19	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
20	\$ 0-249 99	\$ 0 00
21	\$ 250 00-499 99	\$10 00
22	\$ 500 00-749 99	\$20 00

1 \$ 750 00 or more \$30 00

2 The ~~parole~~ OFFENDER REVIEW board may order a higher amount than
 3 indicated by the table, up to the maximum of \$30 00 multiplied by
 4 the number of months of parole OR SUPERVISED RELEASE ordered but
 5 not more than 60 months, if the ~~parole~~ OFFENDER REVIEW board
 6 determines that the ~~parolee~~ PERSON has sufficient assets or
 7 other financial resources to warrant the higher amount If the
 8 ~~parole~~ OFFENDER REVIEW board orders a higher amount, the amount
 9 and the reasons for ordering that amount shall be stated in the
 10 parole order OR SUPERVISED RELEASE ORDER

11 (2) A parole oversight fee OR PAROLE SUPERVISION FEE ordered
 12 before ~~October 1, 1993~~ THE EFFECTIVE DATE OF THE 1994 AMENDA-
 13 TORY ACT THAT AMENDED THIS SECTION, pursuant to this section as
 14 it existed before this section was amended by ~~Act No 184 of the~~
 15 ~~Public Acts of 1993~~ THE 1994 AMENDATORY ACT THAT AMENDED THIS
 16 SECTION remains enforceable according to the terms of that
 17 ~~parole~~ order notwithstanding the amendments to this section
 18 made by ~~Act No 184 of the Public Acts of 1993~~ THE 1994 AMENDA-
 19 TORY ACT THAT AMENDED THIS SECTION

20 (3) If a person who is subject to ~~a~~ AN OFFENDER supervi-
 21 sion fee OR A PAROLE SUPERVISION FEE imposed on or after May 1,
 22 1994 is also subject to any combination of fines, costs, restituti-
 23 on, assessments, or payments arising out of the same criminal
 24 proceeding, the allocation of money collected for those obliga-
 25 tions shall be as provided in section 22 of chapter XV of the
 26 code of criminal procedure, Act No 175 of the Public Acts of
 27 1927, being section 775 22 of the Michigan Compiled Laws

1 (4) A person shall not be subject to more than 1 ~~parole~~
 2 OFFENDER supervision fee at the same time If ~~a parole~~ AN
 3 OFFENDER supervision fee is ordered for a ~~parolee~~ PERSON for
 4 any month or months during which that ~~parolee~~ PERSON already is
 5 subject to ~~a parole~~ AN OFFENDER supervision fee, the department
 6 shall waive the fee having the shorter remaining duration

7 (5) The department shall waive the ~~parole~~ OFFENDER super-
 8 vision fee for a ~~parolee~~ PERSON who is transferred to another
 9 state under the interstate compact entered into pursuant to Act
 10 No 89 of the Public Acts of 1935, being sections 798 101 to
 11 798 103 of the Michigan Compiled Laws, for the months during
 12 which he or she is in another state The department shall col-
 13 lect ~~a parole~~ AN OFFENDER supervision fee of not more than
 14 \$30 00 per month for each month of ~~parole~~ supervision in this
 15 state for an offender transferred to this state under that inter-
 16 state compact In determining the amount of the fee, the depart-
 17 ment shall consider the ~~parolee's~~ PERSON'S projected income and
 18 financial resources The department shall use the following
 19 table of projected monthly income in determining the amount of
 20 the fee

21	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
22	\$ 0-249 99	\$ 0 00
23	\$ 250 00-499 99	\$10 00

1 \$ 500 00-749 99 \$20 00

2 \$ 750 00 or more \$30 00

3 The department may collect a higher amount than indicated by the
4 table, up to the maximum of \$30 00 for each month of ~~parole~~
5 supervision in this state, if the department determines that the
6 ~~parolee~~ PERSON has sufficient assets or other financial
7 resources to warrant the higher amount. If the department col-
8 lects a higher amount, the amount and the reasons for collecting
9 that amount shall be stated in the department records.

10 (6) Twenty percent of the money collected by the department
11 under this section shall be allocated for administrative costs
12 incurred by the department in collecting ~~parole~~ OFFENDER super-
13 vision fees and for enhanced services, as described in this
14 subsection. Enhanced services include but are not limited to,
15 the purchase of services for ~~parolees~~ PERSONS PLACED ON PAROLE
16 OR SUPERVISED RELEASE, such as counseling, employment training,
17 employment placement, or education, public transportation
18 expenses related to training, counseling, or employment enhance-
19 ment of staff performance through specialized training and equip-
20 ment purchase and purchase of items for parolee employment OF
21 PERSONS ON PAROLE OR SUPERVISED RELEASE. At the end of each
22 fiscal year, the unexpended balance of the money allocated for
23 administrative costs and enhanced services shall be available for
24 carryforward to be used for the purposes described in this sub-
25 section in subsequent fiscal years. Money received by the
26 department pursuant to this subsection in the fiscal year ending

1 September 30 1994 is appropriated for the purposes described in
2 this subsection

3 (7) If a ~~parolee~~ PERSON PLACED ON PAROLE OR SUPERVISED
4 RELEASE has not paid the full amount of the ~~parole~~ OFFENDER
5 supervision fee upon being discharged from parole OR SUPERVISED
6 RELEASE, the department shall review and compare the actual
7 income of the person during the period of parole OR SUPERVISED
8 RELEASE with the income amount projected when the ~~parole~~
9 OFFENDER supervision fee was ordered If the department deter-
10 mines that the ~~parolee's~~ PERSON'S actual income did not equal
11 or exceed the projected income, the department shall waive any
12 unpaid amount in excess of the total amount that the ~~parolee~~
13 PERSON would have been ordered to pay if ~~the parolee's~~ HIS OR
14 HER income had been accurately projected, unless the parole OR
15 SUPERVISED RELEASE order states that a higher amount was ordered
16 due to available assets or other financial resources Any unpaid
17 amounts not waived by the department shall be reported to the
18 department of treasury The department of treasury shall attempt
19 to collect the unpaid balances pursuant to section 30a of Act
20 No 122 of the Public Acts of 1941, being section 205 30a of the
21 Michigan Compiled Laws Money collected under this subsection
22 shall not be allocated for the purposes described in
23 subsection (6)

24 Sec 37 (1) When a prisoner is ~~released upon~~ PLACED ON
25 parole OR SUPERVISED RELEASE, the department shall provide the
26 prisoner with clothing and a nontransferable ticket to the place
27 in which the ~~paroled~~ prisoner is to reside At the discretion

1 of the deputy director in charge of the bureau of field services,
2 the ~~paroled~~ prisoner may be advanced the expense of the trans-
3 portation to the place of residence and a sum of money necessary
4 for reasonable maintenance and subsistence for a 2-week period,
5 as determined by the deputy director A sum of money given TO A
6 PRISONER under this section shall be repaid to the state by the
7 ~~paroled~~ prisoner within 180 days after the money is received by
8 the ~~paroled~~ prisoner

9 (2) If a prisoner who is SERVING A SENTENCE FOR A CRIME COM-
10 MITTED ON OR BEFORE THE 1994 AMENDATORY ACT THAT AMENDED THIS
11 SECTION IS discharged ~~on his or her maximum sentence less good~~
12 ~~time~~ WITHOUT BEING PAROLED AND has less than \$75 00 in his or
13 her immediate possession, has no visible means of support, and
14 has conserved personal funds in a reasonable manner, the depart-
15 ment shall furnish to that prisoner the following

16 (a) Clothing ~~which~~ THAT is appropriate for the season

17 (b) A sum of \$75 00 including that amount already in the
18 prisoner's possession

19 (c) Transportation to a place in this state where the pris-
20 oner will reside or work or to the place where the prisoner was
21 convicted or sentenced

22 (3) When providing for transportation, the department
23 shall

24 (a) Use the most economical available public
25 transportation

26 (b) Arrange for and purchase the prisoner s transportation
27 ticket

1 (c) Assume responsibility for delivering that prisoner to
2 the site of departure and confirming the prisoner s departure
3 from the site

4 (4) The cost of implementing this section shall be paid out
5 of the general fund of the state

6 Sec 38 (1) ~~Each~~ A prisoner WHO IS PLACED on parole
7 ~~shall remain~~ REMAINS in the legal custody and under the control
8 of the ~~commission~~ DEPARTMENT A PERSON WHO IS PLACED ON SUPER-
9 VISED RELEASE IS SUBJECT TO THE SUPERVISED RELEASE PROVISIONS OF
10 SECTION 34B AND TO THE CONTINUING JURISDICTION OF THE COURT PUR-
11 SUANT TO SECTION 8A OF CHAPTER IX OF THE CODE OF CRIMINAL PROCE-
12 DURE, ACT NO 175 OF THE PUBLIC ACTS OF 1927, BEING
13 SECTION 769 8A OF THE MICHIGAN COMPILED LAWS The deputy director
14 of the bureau of field services, upon a showing of probable vio-
15 lation of parole OR SUPERVISED RELEASE, may issue a warrant for
16 the return of any ~~paroled~~ prisoner Pending a hearing upon any
17 charge of A VIOLATION OF parole ~~violation~~ OR SUPERVISED
18 RELEASE, the prisoner shall remain incarcerated

19 (2) A prisoner ~~violating the~~ WHO VIOLATES 1 OR MORE provi-
20 sions of his or her parole, and for whose return a warrant has
21 been issued by the deputy director of the bureau of field
22 services shall be treated as an escaped prisoner and shall be
23 liable, when arrested, to serve out the unexpired portion of his
24 or her maximum imprisonment The time from the date of the
25 declared violation to the date of the prisoner s availability for
26 return to an institution shall not be counted as time served
27 The warrant of the deputy director of the bureau of field

1 services shall be a sufficient warrant authorizing all officers
2 named in the warrant to detain the paroled prisoner in any jail
3 of the state until his or her return to the state penal

4 institution THIS SUBSECTION APPLIES ONLY TO PRISONERS SENTENCED
5 FOR CRIMES COMMITTED ON OR BEFORE THE EFFECTIVE DATE OF THE 1994
6 AMENDATORY ACT THAT AMENDED THIS SECTION

7 (3) A PERSON WHO VIOLATES 1 OR MORE PROVISIONS OF HIS OR HER
8 SUPERVISED RELEASE, AND FOR WHOM A WARRANT HAS BEEN ISSUED BY THE
9 DEPUTY DIRECTOR OF THE BUREAU OF FIELD SERVICES OR THE SENTENCING
10 COURT, SHALL BE LIABLE, WHEN ARRESTED, TO SERVE OUT IN A STATE
11 CORRECTIONAL FACILITY A PERIOD OF TIME EQUAL TO THE UNEXPIRED
12 PORTION OF HIS OR HER SUPERVISED RELEASE THIS SUBSECTION
13 APPLIES ONLY TO PERSONS SENTENCED FOR CRIMES COMMITTED AFTER THE
14 EFFECTIVE DATE OF THE 1994 AMENDATORY ACT THAT AMENDED THIS
15 SECTION

16 (4) ~~(3)~~ If a ~~paroled prisoner~~ PERSON PLACED ON PAROLE OR
17 SUPERVISED RELEASE fails to return to ~~prison~~ A CORRECTIONAL
18 FACILITY when required by the deputy director of the bureau of
19 field services or ~~if the paroled prisoner~~ escapes while on
20 parole, the ~~paroled prisoner~~ PERSON shall be treated in all
21 respects as if he or she had escaped from prison and shall be
22 subject to be retaken as provided by the laws of this state

23 (5) ~~(4)~~ The ~~parole~~ OFFENDER REVIEW board, in its discre-
24 tion, may cause the forfeiture of all good time OR DISCIPLINARY
25 CREDITS ACCUMULATED BY A PRISONER, to the date of the declared
26 violation OF PAROLE OR SUPERVISED RELEASE

1 (6) ~~-(5)-~~ A ~~prisoner committing~~ PERSON WHO COMMITS a crime
2 ~~while at large on~~ DURING THE PERIOD OF parole OR SUPERVISED
3 RELEASE, and ~~being~~ IS convicted and sentenced for the crime
4 shall be treated as to the last incurred term as provided under
5 section 34 OR 34B

6 (7) ~~-(6)-~~ A parole shall be construed as a permit to the
7 prisoner to leave the prison, and not as a release While ~~at~~
8 ~~large~~ ON PAROLE, the paroled prisoner shall be considered to be
9 serving out the sentence imposed by the court and shall be enti-
10 tled to good time OR DISCIPLINARY CREDITS the same as if confined
11 in prison

12 Sec 39 A probation officer, a parole officer, a peace
13 officer of this state, or an employee of the department other
14 than a probation or parole officer who is authorized by the
15 director to arrest ~~parole violators~~ PERSONS WHO VIOLATE PAROLE
16 OR SUPERVISED RELEASE may arrest without a warrant and detain in
17 any jail of this state a ~~paroled prisoner~~ PERSON ON PAROLE OR
18 SUPERVISED RELEASE, if the probation officer, parole officer,
19 peace officer, or authorized departmental employee has reasonable
20 grounds to believe that the ~~prisoner~~ PERSON has violated parole
21 OR SUPERVISED RELEASE or a warrant has been issued for his or her
22 return under section 38

23 Sec 39a (1) Within 10 days after an arrest for A VIOLA-
24 TION OF SUPERVISED RELEASE OTHER THAN AN ALLEGED NEW FELONY, OR
25 WITHIN 10 DAYS AFTER AN ARREST FOR an alleged violation of
26 parole, the ~~parolee shall be~~ PERSON ARRESTED IS entitled EITHER
27 to a preliminary hearing to determine whether there is probable

1 cause to believe that the conditions of parole OR SUPERVISED
2 RELEASE have been violated or TO a fact-finding hearing held pur-
3 suant to section 40a A PERSON WHO IS ALLEGED TO HAVE COMMITTED
4 A FELONY WHILE ON SUPERVISED RELEASE IS SUBJECT TO THE SENTENCING
5 COURT'S CONTINUING JURISDICTION PURSUANT TO SECTION 8A OF CHAPTER
6 IX OF THE CODE OF CRIMINAL PROCEDURE ACT NO 175 OF THE PUBLIC
7 ACTS OF 1927, BEING SECTION 769 8A OF THE MICHIGAN COMPILED LAWS

8 (2) ~~Prior to~~ BEFORE the preliminary hearing, the accused
9 ~~parolee~~ PERSON shall be given written notice of the charges,
10 time, place, and purpose of the preliminary hearing

11 (3) At the preliminary hearing, the accused ~~parolee~~ PERSON
12 is entitled to the following rights

13 (a) Disclosure of the evidence against him or her

14 (b) The right to testify and present relevant witnesses and
15 documentary evidence

16 (c) The right to confront and cross-examine adverse wit-
17 nesses unless the person conducting the preliminary hearing finds
18 on the record that a witness may be subjected to risk of harm if
19 his or her identity is revealed

20 (4) A preliminary hearing may be postponed beyond the 10-day
21 time limit on the written request of the ~~parolee~~ ACCUSED
22 PERSON, but shall not be postponed by the department

23 (5) If a preliminary hearing is not held pursuant to subsec-
24 tion (1), an accused ~~parolee~~ PERSON shall be given written
25 notice of the charges against him or her the time, place and
26 purpose of the fact-finding hearing and a written summary of the
27 evidence to be presented against him or her

1 (6) If a preliminary hearing is not held pursuant to
2 subsection (1), an accused ~~parolee~~ PERSON may not be found
3 guilty of a violation based on evidence that was not summarized
4 in the notice provided pursuant to subsection (5) except for good
5 cause stated on the record and included in the written findings
6 of fact provided to the ~~parolee~~ PERSON

7 Sec 40a (1) Within 45 days after a ~~paroled prisoner~~
8 PERSON has been returned or is available for return to a state
9 correctional facility under accusation of a VIOLATION OF parole
10 ~~violation~~ OR SUPERVISED RELEASE, other than conviction OF A
11 PAROLE VIOLATOR for a felony or misdemeanor punishable by impris-
12 onment under the laws of this state, the United States, or any
13 other state or territory of the United States OR ALLEGATION OF A
14 FELONY BY A PERSON ON SUPERVISED RELEASE, the ~~prisoner~~ PERSON
15 is entitled to a fact-finding hearing on the charges before 1
16 member of the ~~parole~~ OFFENDER REVIEW board or an attorney hear-
17 ings officer designated by the chairperson of the ~~parole~~
18 OFFENDER REVIEW board The fact-finding hearing shall be con-
19 ducted only after the accused ~~parolee~~ PERSON has had a reason-
20 able amount of time to prepare a defense The fact-finding hear-
21 ing may be held at a state correctional facility or at or near
22 the location of the alleged violation

23 (2) ~~An~~ THE accused ~~parolee~~ PERSON shall be given written
24 notice of the charges against him or her and the time, place, and
25 purpose of the fact-finding hearing At the fact-finding hear-
26 ing, the accused ~~parolee~~ PERSON may be represented by an

1 appointed or retained attorney and is entitled to the following
2 rights

3 (a) Full disclosure of the evidence against him or her

4 (b) To testify and present relevant witnesses and documen-
5 tary evidence

6 (c) To confront and cross-examine adverse witnesses unless
7 the person conducting the fact-finding hearing finds on the
8 record that a witness is subject to risk of harm if his or her
9 identity is revealed

10 (d) To present other relevant evidence in mitigation of the
11 charges

12 (3) A fact-finding hearing may be postponed for cause beyond
13 the 45-day time limit on the written request of the ~~parolee~~
14 ACCUSED PERSON, the ~~parolee's~~ ACCUSED PERSON'S attorney, or, if
15 a postponement of the preliminary hearing has been granted beyond
16 the 10-day time limit, by the ~~parole~~ OFFENDER REVIEW board

17 (4) If the evidence presented is insufficient to support the
18 allegation that a ~~parole~~ violation occurred the ~~parolee~~
19 ACCUSED PERSON shall be reinstated to parole ~~status~~ OR SUPER-
20 VISED RELEASE

21 (5) If the ~~parole~~ OFFENDER REVIEW board member or hearings
22 officer conducting the fact-finding hearing determines from a
23 preponderance of the evidence that a ~~parole~~ violation has
24 occurred, the BOARD member or hearings officer shall present the
25 relevant facts to the ~~parole~~ board and make a recommendation as
26 to the disposition of the charges

1 (6) If a preponderance of the evidence supports the
2 allegation that a ~~parole~~ violation occurred, the ~~parole~~ board
3 may revoke parole OR SUPERVISED RELEASE, and the ~~parolee~~ PERSON
4 WHOSE STATUS WAS REVOKED shall be provided with a written state-
5 ment of the findings of fact and the reasons for the determina-
6 tion within 60 days after ~~the paroled prisoner~~ HE OR SHE has
7 been returned or is available for return to a state correctional
8 facility

9 (7) A ~~parolee~~ PERSON who is ordered to make restitution
10 under the crime victim's rights act, Act No 87 of the Public
11 Acts of 1985, being sections 780 751 to 780 834 of the Michigan
12 Compiled Laws, or the code of criminal procedure, Act No 175 of
13 the Public Acts of 1927, being sections 760 1 to 776 21 of the
14 Michigan Compiled Laws, or to pay an assessment ordered under
15 section 5 of Act No 196 of the Public Acts of 1989, being
16 section 780 905 of the Michigan Compiled Laws, as a condition of
17 parole OR SUPERVISED RELEASE may have his or her parole OR SUPER-
18 VISED RELEASE revoked by the ~~parole~~ OFFENDER REVIEW board if
19 ~~the parolee~~ HE OR SHE fails to comply with the order and ~~if~~
20 ~~the parolee~~ has not made a good faith effort to comply with the
21 order In determining whether to revoke A PERSON'S parole OR
22 SUPERVISED RELEASE, the ~~parole~~ OFFENDER REVIEW board shall con-
23 sider the ~~parolee's~~ PERSON'S employment status, earning abili-
24 ty, and financial resources, the willfulness of the ~~parolee's~~
25 PERSON'S failure to comply with the order, and any other special
26 circumstances that may have a bearing on the ~~parolee's~~ PERSON'S
27 ability to comply with the order

1 Sec 41 When the ~~parole~~ OFFENDER REVIEW board has
2 ~~determined the matter it~~ MADE A DETERMINATION CONCERNING AN
3 ALLEGED VIOLATION OF PAROLE OR SUPERVISED RELEASE, THE BOARD
4 shall enter an order rescinding ~~such~~ OR REINSTATING parole OR
5 SUPERVISED RELEASE, ~~or reinstating the original order of parole~~
6 or MAY enter such other order as it may see fit

7 Sec 42 (1) When ~~any paroled prisoner~~ A PERSON PLACED ON
8 PAROLE OR SUPERVISED RELEASE has faithfully performed all of the
9 conditions and obligations of ~~his~~ parole OR SUPERVISED RELEASE
10 for the period of time fixed in ~~such~~ THE order, and has obeyed
11 all of the rules and regulations adopted by the ~~parole~~ OFFENDER
12 REVIEW board, ~~he~~ THE PERSON shall be ~~deemed~~ CONSIDERED to
13 have served his OR HER full sentence, IN THE CASE OF A PRISONER
14 WHO WAS PLACED ON PAROLE, OR TO HAVE COMPLETED HIS OR HER SUPER-
15 VISED RELEASE, IN THE CASE OF A PRISONER WHO WAS PLACED ON SUPER-
16 VISED RELEASE, and the ~~parole~~ OFFENDER REVIEW board shall enter
17 a final order of discharge and issue to the ~~paroled prisoner~~
18 PERSON a certificate of discharge

19 (2) ~~No~~ A parole shall be ~~granted~~ for a period ~~less~~
20 ~~than~~ OF AT LEAST 2 years in all cases of murder, actual forcible
21 rape, robbery armed, kidnapping, extortion, or breaking and
22 entering an occupied dwelling in the night time ~~except where~~
23 UNLESS the maximum time remaining to be served on ~~the~~ AN
24 INDETERMINATE sentence is less than 2 years

25 Sec 43 All applications for pardons, reprieves and commu-
26 tations shall be filed with the ~~parole~~ OFFENDER REVIEW board
27 upon forms provided ~~therefor~~ by the ~~parole~~ board, and shall

1 contain ~~such~~ THE information records, and documents ~~as~~ THAT
2 the ~~parole~~ OFFENDER REVIEW board ~~may~~ REQUIRES by rule
3 ~~require~~

4 Sec 44 (1) Subject to the constitutional authority of the
5 governor to grant reprieves, commutations, and pardons, 1 member
6 of the ~~parole~~ OFFENDER REVIEW board shall interview a prisoner
7 serving a ~~sentence for murder in the first degree or a~~ sentence
8 of imprisonment for life, ~~without parole~~ AS DESCRIBED IN SUB-
9 SECTION (2), at the conclusion of 10 calendar years and thereaf-
10 ter as determined appropriate by the ~~parole~~ OFFENDER REVIEW
11 board, but not later than every 5 years until such time as the
12 prisoner is granted a reprieve, commutation, or pardon by the
13 governor, or is deceased The interview schedule prescribed in
14 this subsection applies to all prisoners to whom this section is
15 applicable whether sentenced before on or after the effective
16 date of the 1992 amendatory act that amended this subsection

17 (2) SUBSECTION (1) APPLIES TO PRISONERS IN ALL OF THE FOL-
18 LOWING CATEGORIES

19 (A) A PRISONER SENTENCED TO LIFE IMPRISONMENT FOR MURDER IN
20 THE FIRST DEGREE, REGARDLESS OF THE DATE OF SENTENCE

21 (B) A PRISONER SENTENCED FOR A CRIME COMMITTED ON OR BEFORE
22 THE EFFECTIVE DATE OF THE 1994 AMENDATORY ACT THAT AMENDED THIS
23 SECTION TO A TERM OF LIFE IMPRISONMENT WITHOUT PAROLE

24 (C) A PRISONER SENTENCED FOR A CRIME COMMITTED AFTER THE
25 EFFECTIVE DATE OF THE 1994 AMENDATORY ACT THAT AMENDED THIS SEC-
26 TION TO A TERM OF LIFE IMPRISONMENT

1 (3) ~~-(2)-~~ Upon its own initiation of, or upon receipt of any
2 application for a reprieve, commutation, or pardon, the ~~parole~~
3 OFFENDER REVIEW board shall do all of the following, as
4 applicable

5 (a) Not more than 60 days after receipt of an application,
6 conduct a review to determine whether the application for a
7 reprieve, commutation, or pardon has merit

8 (b) Deliver either the written documentation of the initia-
9 tion or the original application with the ~~parole~~ OFFENDER
10 REVIEW board's determination regarding merit, to the governor and
11 retain a copy of each in its file, pending an investigation and
12 hearing

13 (c) Within 10 days after initiation, or after determining
14 that an application has merit, forward to the sentencing judge
15 and to the prosecuting attorney of the county having original
16 jurisdiction of the case or their successors in office, a writ-
17 ten notice of the filing of the application or initiation
18 together with copies of the application or initiation, any sup-
19 porting affidavits, and a brief summary of the case Within 30
20 days after receipt of notice of the filing of any application or
21 initiation, the sentencing judge and the prosecuting attorney, or
22 their successors in office, may file information at their dispos-
23 al, together with any objections, in writing, which they may
24 desire to interpose If the sentencing judge and the prosecuting
25 attorney, or their successors in office, do not respond within 30
26 days, the ~~parole~~ OFFENDER REVIEW board shall proceed on the
27 application or initiation

1 (d) If an application or initiation for commutation is based
2 on physical or mental incapacity, direct the bureau of health
3 care services to evaluate the condition of the prisoner and
4 report on that condition. If the bureau of health care services
5 determines that the prisoner is physically or mentally incapacit-
6 tated, the bureau shall appoint a specialist in the appropriate
7 field of medicine, who is not employed by the department, to
8 evaluate the condition of the prisoner and to report on that
9 condition. These reports are protected by the doctor-patient
10 privilege of confidentiality, except that these reports shall be
11 provided to the governor for his or her review.

12 (e) Within 270 days after initiation by the ~~parole~~
13 OFFENDER REVIEW board or receipt of an application that the
14 ~~parole~~ OFFENDER REVIEW board has determined to have merit pur-
15 suant to subdivision (a), make a full investigation and determi-
16 nation on whether or not to proceed to a public hearing.

17 (f) Conduct a public hearing not later than 90 days after
18 making a decision to proceed with consideration of a recommenda-
19 tion for the granting of a reprieve, commutation or pardon. The
20 public hearing shall be held before a formal recommendation is
21 transmitted to the governor. One member of the ~~parole~~ OFFENDER
22 REVIEW board who will be involved in the formal recommendation
23 may conduct the hearing, and the public shall be represented by
24 the attorney general or a member of the attorney general's
25 staff.

26 (g) At least 30 days before conducting the public hearing,
27 provide written notice of the public hearing by mail to the

1 attorney general, the sentencing trial judge, and the prosecuting
2 attorney, or their successors in office, and each victim who
3 requests notice pursuant to the crime victim's rights act, Act
4 No 87 of the Public Acts of 1985, being sections 780 751 to
5 780 834 of the Michigan Compiled Laws

6 (h) Conduct the public hearing pursuant to the rules promul-
7 gated by the department Except as otherwise provided in this
8 subdivision, any person having information in connection with the
9 pardon, commutation, or reprieve shall be sworn as a witness A
10 person who is a victim shall be given an opportunity to address
11 and be questioned by the ~~parole~~ OFFENDER REVIEW board at the
12 hearing or to submit written testimony for the hearing In hear-
13 ing testimony, the ~~parole~~ OFFENDER REVIEW board shall give
14 liberal construction to any technical rules of evidence

15 (i) Transmit its formal recommendation to the governor

16 (j) Make all data in its files available to the governor if
17 the ~~parole~~ OFFENDER REVIEW board recommends the granting of a
18 reprieve commutation, or pardon

19 (4) ~~(3)~~ Except for medical records protected by the
20 doctor-patient privilege of confidentiality the files of the
21 ~~parole~~ OFFENDER REVIEW board in cases under this section shall
22 be matters of public record

23 Sec 45 In the conduct of any hearing or investigation
24 ~~as herein provided~~ BY THE OFFENDER REVIEW BOARD, any member of
25 the ~~parole~~ OFFENDER REVIEW board may administer the oath to
26 ~~any~~ A witness

1 Sec 46 All decisions and recommendations of the ~~parole~~
 2 OFFENDER REVIEW board required by this act shall be by a majority
 3 vote of the ~~parole~~ OFFENDER REVIEW board or a ~~parole board~~
 4 panel created pursuant to section 6(2)

5 Sec 64 The assistant director in charge of the bureau of
 6 penal institutions shall ~~have authority and it shall be his duty~~
 7 ~~to~~ classify the prisoners in ~~the several penal institutions~~
 8 ~~He~~ CORRECTIONAL FACILITIES THE ASSISTANT DIRECTOR shall,
 9 subject to the approval of the director, promulgate regulations
 10 under which there shall be organized in each ~~penal institution,~~
 11 CORRECTIONAL FACILITY a classification committee from the staff
 12 of ~~such penal institution~~ THAT CORRECTIONAL FACILITY, which
 13 committee shall perform ~~such services and in such~~ SERVICES IN A
 14 manner as the assistant director in charge of the bureau of penal
 15 institutions ~~shall require~~ It shall be the duty of each such
 16 REQUIRES EACH classification committee ~~to~~ SHALL obtain and
 17 file complete information with regard to each prisoner ~~sentenced~~
 18 ~~under an indeterminate sentence at the time such~~ WHEN THE pris-
 19 oner is received in ~~any penal institution~~ It shall be the duty
 20 ~~of the~~ A CORRECTIONAL FACILITY THE clerk of the court and ~~of~~
 21 all probation officers and other officials ~~to send such informa-~~
 22 ~~tion as may be~~ SHALL SEND INFORMATION in their possession or
 23 under their control to each ~~such~~ classification committee when
 24 ~~and in such~~ REQUESTED TO DO SO, IN THE manner as they ~~may be~~
 25 ARE directed When all such existing available records have been
 26 assembled, each ~~such~~ classification committee shall determine
 27 whether any further investigation is necessary, and if so, ~~it~~

1 shall make ~~such~~ THAT investigation ~~All such~~ THE information
2 shall be filed with the ~~parole~~ OFFENDER REVIEW board so as to
3 be readily available when the parole of the prisoner is to be
4 considered OR THE PERSON IS TO BE PLACED ON SUPERVISED RELEASE

5 Sec 65d (1) Whenever either of the following occurs, the
6 department shall make an entry in the law enforcement information
7 network

8 (a) A prisoner escapes from a state correctional facility

9 (b) A ~~parole violation~~ warrant FOR VIOLATION OF PAROLE OR
10 SUPERVISED RELEASE is issued

11 (2) Whenever any of the following occurs, the department
12 shall make available on line to the law enforcement information
13 network, by way of the corrections management information system,
14 the following information

15 (a) A prisoner is transferred into a community residential
16 program

17 (b) A prisoner is transferred into a minimum custody correc-
18 tional facility of any kind, including a correctional camp or
19 work camp

20 (c) A person s parole OR SUPERVISED RELEASE status changes

21 (3) An entry under subsection (1), or information under sub-
22 section (2), shall be entered or made available not later than 24
23 hours after the event occurs, and shall include the prisoner's
24 name, physical descriptors, the remaining term of his or her sen-
25 tence, and any other information determined relevant by the
26 department

1 (4) As used in this section, state correctional facility
2 means a facility or institution which houses a prisoner
3 population under the jurisdiction of the department

4 Sec 65g As used in this section and sections 65h and
5 65i

6 (a) "Community corrections center" means that term as
7 defined in section 65a

8 (b) Community residential home" means that term as defined
9 in section 65a

10 (c) Community status criteria" means the criteria for
11 determining which prisoners are eligible to be placed in commu-
12 nity corrections facilities as prescribed in section ~~65(g)(1)~~
13 65H(1)

14 (d) "Council" means a citizens' council formed under
15 section 65i(1)

16 (e) Prisoner' means a person who is under the jurisdiction
17 of the department and has not been ~~released~~ PLACED on parole,
18 SUPERVISED RELEASE or discharged

19 (f) State correctional facility means that term as defined
20 in section 65a

21 Section 2 Section 31a of Act No 232 of the Public Acts of
22 1953, being section 791 231a of the Michigan Compiled Laws, is
23 repealed

24 Section 3 This amendatory act shall take effect on the
25 date that sentencing guidelines are enacted into law after the
26 sentencing commission submits its report to the secretary of the
27 senate and the clerk of the house of representatives pursuant to

1 chapter IX of the code of criminal procedure, Act No 175 of the
2 Public Acts of 1927, as added by the amendatory act resulting
3 from Senate Bill No _____ or House Bill No _____ (request
4 no 05909'94) of the 87th Legislature

5 Section 4 This amendatory act shall not take effect unless
6 all of the following bills of the 87th Legislature are enacted
7 into law

8 (a) Senate Bill No _____ or House Bill No _____
9 (request no 05894'94)

10 (b) Senate Bill No _____ or House Bill No 5497
11 (request no 05908'94)

12 (c) Senate Bill No _____ or House Bill No _____
13 (request no 05909'94)

14 (d) Senate Bill No _____ or House Bill No _____
15 (request no 05910'94)