



# HOUSE BILL No. 5934

November 10 1994 Introduced by Rep Nye and referred to the Committee on Judiciary

A bill to provide for the release of certain prisoners under certain circumstances to specify the powers and duties of certain state and local officials and agencies and to provide for certain penalties and remedies

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1       Sec 1    This act shall be known and may be cited as the  
2 conditional postconviction release act

3       Sec 2    As used in this act

4       (a) 'Bond' means the written undertaking delivered by the  
5 surety to the releasing authority and describing the terms and  
6 conditions of the surety's duties

7       (b) 'Breach' means a condition of release violated by the  
8 participant

9       (c) 'Breach penalty' means the amount of money to be paid to  
10 this state by the surety upon revocation of the bond   The breach

1 penalty shall be 1/2 the annual charge collected by the surety to  
2 write the bond

3 (d) Charge means the amount of money the surety charges to  
4 write the bond In no case shall the charges be less than 15% of  
5 the major penalty amount The charge shall be fully earned when  
6 the bond is written

7 (e) 'Conditions' means requirements imposed by the releasing  
8 authority as a prerequisite to the participant being released  
9 from custody

10 (f) "Major penalty" means the amount of money to be paid by  
11 the surety to this state upon the surety's failure to meet the  
12 requirements under this act, for which failure a major penalty is  
13 provided The major penalty shall be \$15,000 00

14 (g) "Mandatory conditions" means those conditions the  
15 releasing authority must place upon the participant as a condi-  
16 tion to early release

17 (h) 'Participant' means an individual eligible to be  
18 released under this act

19 (i) Releasing authority means an official or board of this  
20 state or of a political subdivision of this state having legal  
21 authority to release a prisoner onto probation, furlough, or  
22 parole

23 (j) 'Revocation of bond' means the use and effectiveness of  
24 the bond has ceased The releasing authority may revoke the bond  
25 upon a breach or continue the bond by nullifying the breach Or,  
26 the bond may be revoked at any time the releasing authority

1 determines that the participant is not attempting to abide by the  
2 conditions of the bond

3 (k) "Surety" means any person or entity licensed in this  
4 state to execute bonds filed in criminal cases

5 Sec 3 Upon the decision of the releasing authority to  
6 return a prisoner to society, the releasing authority may release  
7 a participant by requiring the posting of an early release bond  
8 by a surety The releasing authority may set conditions for that  
9 release The conditions shall be attached to the bond and made a  
10 part of the bond The conditions may, unless otherwise speci-  
11 fied, be any of the following, but are not limited to these con-  
12 ditions and are to include any conditions imposed by the releas-  
13 ing authority

14 (a) The participant shall be drug or alcohol tested as  
15 specified

16 (b) The participant shall take part in 1 or more specified  
17 recovery programs

18 (c) The participant shall not contact, go near, or communi-  
19 cate directly with any witness involved in the participant's  
20 conviction

21 (d) The participant shall not contact, go near or communi-  
22 cate directly or indirectly with any victim involved in the  
23 participant's conviction

24 (e) The participant shall obtain and keep employment

25 (f) The participant shall be on home arrest via electronic  
26 monitoring devices approved by this state

1 (g) The participant shall abide by specified travel  
2 restrictions

3 (h) The participant shall make all specified periodic resti-  
4 tution payments

5 (i) The participant shall pay specified fines and court  
6 costs

7 (j) The participant shall perform specified community  
8 services

9 (k) The participant shall pursue specified education  
10 courses

11 (l) The participant shall obtain education as specified

12 (m) The participant shall participate in family or third  
13 part involvement as specified

14 (n) The participant shall have, as a mandatory condition  
15 that he or she pay the surety's charge

16 (o) The participant shall have, as a mandatory condition,  
17 that he or she personally report to the surety at such time and  
18 in such manner as directed by the releasing authority and the  
19 surety

20 Sec 4 The early release bond put up by the surety shall  
21 meet all of the following requirements

22 (a) Be for a term of 1 year, and may be renewed annually

23 (b) Be in favor of and payable to this state

24 (c) Be conditioned that the surety shall do both of the  
25 following

26 (1) Have available those facilities necessary for meeting  
27 all of the following conditions

1 (A) Home arrest as provided in section 3(f)

2 (B) Drug or alcohol testing as provided in section 3(a)

3 (C) Regular check-ins as provided in section 3(o)

4 (11) Report to the releasing authority any breach within 24  
5 hours after the surety has actual knowledge of the breach

6 Sec 5 The surety shall pay penalties as follows

7 (a) A breach penalty shall be paid upon breach of a condi-  
8 tion by the participant

9 (b) A major penalty shall be paid upon failure of the surety  
10 to meet the requirements of section 4(c)(1)

11 (c) A major penalty shall be paid upon failure of the surety  
12 to meet the requirement of section 4(c)(11)

13 (d) There shall be only 1 penalty per bond