



SENATE BILL No. 304

February 2, 1993, Introduced by Senators BOUCHARD and MC MANUS and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 33 of Act No. 118 of the Public Acts of 1893, entitled as amended

"An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,"

as amended by Act No. 322 of the Public Acts of 1986, being section 800.33 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 33 of Act No. 118 of the Public Acts of
2 1893, as amended by Act No. 322 of the Public Acts of 1986, being
3 section 800.33 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 33. (1) A record of all major misconduct charges for
6 which a prisoner has been found guilty shall be maintained and
7 given to the parole board as part of the parole eligibility

1 report prepared for each prisoner pursuant to section 35 of Act
2 No. 232 of the Public Acts of 1953, being section 791.235 of the
3 Michigan Compiled Laws.

4 (2) Except as otherwise provided in this section, a prisoner
5 who is serving a sentence for a crime committed before ~~the~~
6 ~~effective date of this 1986 amendatory act~~ APRIL 1, 1987 and who
7 has not been found guilty of a major misconduct or had a viola-
8 tion of the laws of this state recorded against him or her shall
9 receive a reduction from his or her sentence as follows:

10 (a) During the first and second years of his or her sen-
11 tence, 5 days for each month.

12 (b) During the third and fourth years, 6 days for each
13 month.

14 (c) During the fifth and sixth years, 7 days for each
15 month.

16 (d) During the seventh, eighth, and ninth years, 9 days for
17 each month.

18 (e) During the tenth, eleventh, twelfth, thirteenth, and
19 fourteenth years, 10 days for each month.

20 (f) During the fifteenth, sixteenth, seventeenth, eigh-
21 teenth, and nineteenth years, 12 days for each month.

22 (g) From and including the twentieth year, up to and includ-
23 ing the period fixed for the expiration of the sentence, 15 days
24 for each month.

25 (3) ~~All prisoners~~ EXCEPT AS PROVIDED IN SUBSECTIONS (5)
26 AND (6), a prisoner serving a sentence for a crime ~~which was~~
27 committed on or after ~~the effective date of this 1986 amendatory~~

1 ~~act shall be~~ APRIL 1, 1987, IS eligible to earn disciplinary and
2 special disciplinary credits as provided in subsection ~~(5)~~
3 (7). Disciplinary credits shall be earned, forfeited, and
4 restored as provided in this section. Accumulated disciplinary
5 credits shall be deducted from a prisoner's minimum and maximum
6 sentence in order to determine his or her parole eligibility date
7 and discharge date.

8 (4) This section shall not be construed to allow good time,
9 disciplinary credits, or special disciplinary credits in cases of
10 commuted sentences unless so stipulated in the executive order
11 commuting the sentence.

12 (5) A PRISONER WHO PREVIOUSLY WAS CONVICTED OF 1 OR MORE
13 OTHER FELONIES OR ATTEMPTS TO COMMIT FELONIES IS ELIGIBLE TO EARN
14 DISCIPLINARY CREDITS AND SPECIAL DISCIPLINARY CREDITS UNDER
15 SUBSECTION (7) ONLY IF THE PRISONER WAS SENTENCED BEFORE THE 1993
16 AMENDATORY ACT THAT AMENDED THIS SECTION.

17 (6) ~~(5) All prisoners serving a sentence on December 30,~~
18 ~~1982, or~~ A PRISONER incarcerated ~~after December 30, 1982,~~ for
19 the conviction of a crime enumerated in section 33b(a) to (cc) of
20 Act No. 232 of the Public Acts of 1953, being section 791.233b of
21 the Michigan Compiled Laws, ~~shall be~~ IS ELIGIBLE TO EARN DISCI-
22 PLINARY CREDITS UNDER SUBSECTION (7) IF EITHER OF THE FOLLOWING
23 APPLIES:

24 (A) HE OR SHE WAS SERVING HIS OR HER SENTENCE ON
25 DECEMBER 30, 1982.

1 (B) HE OR SHE WAS CONVICTED OF THE CRIME AFTER DECEMBER 30,
2 1982 AND WAS SENTENCED BEFORE THE EFFECTIVE DATE OF THE 1993
3 AMENDATORY ACT THAT AMENDED THIS SECTION.

4 (7) A PRISONER eligible to earn DISCIPLINARY CREDITS UNDER
5 SUBSECTION (3), (5) OR (6) MAY EARN a disciplinary credit of 5
6 days per month for each month served after December 30, 1982.
7 Accumulated disciplinary credits shall be deducted from a
8 prisoner's minimum and maximum sentence in order to determine his
9 or her parole eligibility dates.

10 A prisoner shall not earn disciplinary credits under this
11 subsection during any month in which the prisoner is found guilty
12 of having committed a major misconduct. The amount of disci-
13 plinary credits not earned as a result of being found guilty of a
14 major misconduct shall be limited to the disciplinary credits
15 ~~which~~ THAT would have been earned for the month in which the
16 major misconduct occurred. Any disciplinary credits not earned
17 as a result of the prisoner being found guilty of a major miscon-
18 duct shall never be earned or restored. The warden may order
19 that a prisoner found guilty of a major misconduct, including but
20 not limited to charges of rioting, inciting to riot, escape,
21 homicide, or assault and battery, forfeit all or a portion of the
22 disciplinary credits accumulated ~~prior to~~ BEFORE the month in
23 which the misconduct occurred. An order forfeiting accumulated
24 disciplinary credits shall be based upon a review of the
25 prisoner's institutional record.

26 The disciplinary credit committee, which is comprised of the
27 prisoner's resident unit manager, custody officers in the

1 resident unit with direct supervisory responsibilities over the
2 prisoner, and the appropriate work or school assignment supervi-
3 sor, shall be a part of the reclassification process and shall
4 review, at least annually, the status of each prisoner in the
5 housing unit who has forfeited disciplinary credits. The commit-
6 tee may recommend to the warden whether any forfeited disci-
7 plinary credits should be restored to the prisoner.

8 In addition to disciplinary credits, a prisoner may be
9 awarded 2 days per month special disciplinary credits for good
10 institutional conduct on the recommendation of the disciplinary
11 credit committee and the concurrence of the warden based on an
12 annual review of the prisoner's institutional record. Special
13 disciplinary credits shall not be awarded for any month in which
14 a prisoner has been found guilty of a major misconduct.

15 The department of corrections shall promulgate rules pursu-
16 ant to the administrative procedures act of 1969, Act No. 306 of
17 the Public Acts of 1969, being sections 24.201 to 24.328 of the
18 Michigan Compiled Laws, necessary to implement this subsection.
19 ~~not more than 180 days after December 30, 1982.~~

20 (8) ~~-(6)-~~ On and after ~~the effective date of this 1986~~
21 ~~amendatory act~~ APRIL 1, 1987, a prisoner shall not earn good
22 time under this section during any month in which the prisoner is
23 found guilty of having committed a major misconduct. The amount
24 of good time not earned as a result of being found guilty of a
25 major misconduct shall be limited to the amount of good time
26 ~~which~~ THAT would have been earned during the month in which the
27 major misconduct occurred. Any good time not earned as a result

1 of the prisoner being found guilty of a major misconduct shall
2 never be earned or restored.

3 (9) ~~-(7)-~~ The department of corrections shall promulgate
4 rules pursuant to Act No. 306 of the Public Acts of 1969, pre-
5 scribing how much of his or her accumulated good time or accumu-
6 lated disciplinary credits the prisoner may forfeit if found
7 guilty of 1 or more major misconducts.

8 (10) ~~-(8)-~~ The warden may order that a prisoner found guilty
9 of a major misconduct forfeit all or a portion of the good time
10 accumulated ~~prior to~~ BEFORE the month in which the misconduct
11 occurred.

12 (11) ~~-(9)-~~ The good time committee, which is comprised of
13 the prisoner's resident unit manager, custody officer in the res-
14 ident unit with direct supervisory responsibility over the pris-
15 oner, and the appropriate work or school assignment supervisor,
16 shall be part of the reclassification process. The good time
17 committee shall recommend to the warden the amount of special
18 good time to be awarded and the restoration of any accumulated
19 good time ~~which~~ THAT has been forfeited.

20 (12) ~~-(10)-~~ The warden, as a reward for good conduct, may
21 restore to a prisoner the whole or any portion of the good time
22 or disciplinary credits forfeited because of a finding of guilty
23 for a major misconduct. However, forfeited good time or disci-
24 plinary credits shall not be restored without the recommendation
25 of the disciplinary credit committee or good time committee and
26 the prior written approval of the deputy director in charge of
27 the bureau of correctional facilities or the deputy director in

1 charge of the bureau of field services. Disciplinary credits or
2 good time allowances that have not been earned because of insti-
3 tutional misconduct shall not be restored.

4 (13) ~~-(11)-~~ A prisoner who has been sentenced concurrently
5 for separate convictions shall have his or her good time or dis-
6 ciplinary credits computed on the basis of the longest of the
7 concurrent sentences. If a prisoner is serving consecutive sen-
8 tences for separate convictions, his or her good time or disci-
9 plinary credits shall be computed and accumulated on each sen-
10 tence individually and all good time or disciplinary credits
11 ~~which~~ THAT have been earned on any of the sentences shall be
12 subject to forfeiture pursuant to subsections ~~-(5) and (8)-~~ (7)
13 AND (10).

14 (14) ~~-(12)-~~ The warden of an institution may grant special
15 good time allowances to eligible prisoners who are convicted of a
16 crime that is committed ~~prior to the effective date of this 1986~~
17 ~~amendatory act~~ BEFORE APRIL 1, 1987. Special good time credit
18 shall not exceed 50% of the good time allowances under the sched-
19 ule in subsection (2). Special good time shall be awarded for
20 good conduct only and shall not be awarded for any month in which
21 a prisoner has been found guilty of a major misconduct.

22 (15) ~~-(13)-~~ The parole board ~~shall be~~ IS exclusively
23 empowered to cause the forfeiture of good time or disciplinary
24 credits earned by a prisoner at the time of a parole violation.

25 (16) A PRISONER WHO IS SENTENCED ON OR AFTER THE EFFECTIVE
26 DATE OF THE 1993 AMENDATORY ACT THAT AMENDED THIS SECTION AND WHO

1 MEETS EITHER OF THE FOLLOWING CRITERIA IS NOT ELIGIBLE FOR
2 DISCIPLINARY CREDITS OR SPECIAL DISCIPLINARY CREDITS:

3 (A) THE PRISONER IS SENTENCED FOR THE CONVICTION OF A CRIME
4 ENUMERATED IN SECTION 33B(A) TO (CC) OF ACT NO. 232 OF THE PUBLIC
5 ACTS OF 1953, BEING SECTION 791.233B OF THE MICHIGAN COMPILED
6 LAWS.

7 (B) THE PRISONER WAS PREVIOUSLY CONVICTED OF 1 OR MORE OTHER
8 FELONIES OR ATTEMPTS TO COMMIT FELONIES.

9 Section 2. This amendatory act shall not take effect unless
10 Senate Bill No. 305

11 of the 87th Legislature is enacted into law.