



SENATE BILL No. 324

February 3, 1993, Introduced by Senator WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 34 of Act No. 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and 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 hereby transferred; 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 repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as amended by Act No. 181 of the Public Acts of 1992, being section 791.234 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 34 of Act No. 232 of the Public Acts of
2 1953, as amended by Act No. 181 of the Public Acts of 1992, being
3 section 791.234 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 34. (1) Except as provided in section 34a, a prisoner
6 sentenced to an indeterminate sentence and confined in a state
7 correctional facility with a minimum in terms of years shall be
8 subject to the jurisdiction of the parole board when the prisoner
9 has served a period of time equal to the minimum sentence imposed
10 by the court for the crime of which he or she was convicted, less
11 good time and disciplinary credits, if applicable.

12 (2) If a prisoner is sentenced for consecutive terms,
13 whether received at the same time or at any time during the life
14 of the original sentence, the parole board shall have jurisdic-
15 tion over the prisoner for purposes of parole when the prisoner
16 has served the total time of the added minimum terms, less the
17 good time and disciplinary credit allowed by statute. The maxi-
18 mum terms of the sentences shall be added to compute the new max-
19 imum term under this subsection, and discharge shall be issued
20 only after the total of the maximum sentences has been served
21 less good time and disciplinary credits, unless the prisoner is
22 paroled and discharged upon satisfactory completion of the
23 parole.

24 (3) If a prisoner has 1 or more consecutive terms remaining
25 to serve in addition to the term he or she is serving, the parole
26 board may terminate the sentence the prisoner is presently

1 serving at any time after the minimum term of the sentence has
2 been served.

3 (4) ~~—A~~ EXCEPT AS PROVIDED IN SUBSECTION (5), A prisoner
4 ~~—under sentence—~~ SENTENCED TO IMPRISONMENT for life or for a term
5 of years, other than a prisoner sentenced TO IMPRISONMENT for
6 life for murder in the first degree or sentenced TO IMPRISONMENT
7 for life or ~~—for—~~ TO a minimum term ~~—of imprisonment—~~ for a major
8 controlled substance offense, who has served 10 calendar years of
9 the sentence in the case of a prisoner sentenced for a crime com-
10 mitted before October 1, 1992, or who has served 15 calendar
11 years of the sentence in the case of a prisoner sentenced for a
12 crime committed on or after October 1, 1992, is subject to the
13 jurisdiction of the parole board and may be released on parole by
14 the parole board, subject to the following conditions:

15 (a) One member of the parole board shall interview the pris-
16 oner at the conclusion of 10 calendar years of the sentence and
17 every 5 years thereafter until such time as the prisoner is
18 paroled, discharged, or deceased. The interview schedule pre-
19 scribed in this subdivision applies to all prisoners to whom this
20 subsection is applicable, whether sentenced before, on, or after
21 the effective date of the 1992 amendatory act that amended this
22 subdivision.

23 (b) A parole shall not be granted a prisoner so sentenced
24 until after a public hearing held in the manner prescribed for
25 pardons and commutations in ~~—sections—~~ SECTION 44(d) to (f) and
26 SECTION 45. Notice of the public hearing shall be given to the
27 sentencing judge, or the judge's successor in office, and parole

1 shall not be granted if the sentencing judge, or the judge's
2 successor in office, files written objections to the granting of
3 the parole within 30 days ~~of receipt of~~ AFTER RECEIVING the
4 notice of hearing. The written objections shall be made part of
5 the prisoner's file.

6 (c) A parole granted under this subsection shall be for a
7 period of not less than 4 years and subject to the usual rules
8 pertaining to paroles granted by the parole board. A parole
9 ordered under this subsection shall not become valid until the
10 transcript of the record is filed with the attorney general whose
11 certification of receipt of the transcript shall be returnable to
12 the office of the parole board within 5 days. Except for medical
13 records protected under section 2157 of the revised judicature
14 act of 1961, Act No. 236 of the Public Acts of 1961, being sec-
15 tion 600.2157 of the Michigan Compiled Laws, the file of a pris-
16 oner granted a parole under this subsection shall be a public
17 record.

18 (d) A parole shall not be granted under this subsection in
19 the case of a prisoner who is otherwise prohibited by law from
20 parole consideration. In such cases the interview procedures in
21 section 44 shall be followed.

22 (5) A PRISONER SENTENCED TO IMPRISONMENT FOR LIFE PURSUANT
23 TO SECTION 7401(2)(A)(i) OF THE PUBLIC HEALTH CODE, ACT NO. 368
24 OF THE PUBLIC ACTS OF 1978, BEING SECTION 333.7401 OF THE
25 MICHIGAN COMPILED LAWS, WHO HAS SERVED 30 CALENDAR YEARS OF THE
26 SENTENCE IS SUBJECT TO THE JURISDICTION OF THE PAROLE BOARD AND

1 MAY BE RELEASED ON PAROLE BY THE PAROLE BOARD, SUBJECT TO THE
2 CONDITIONS SET FORTH IN SUBSECTION (4).

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

10 Section 2. This amendatory act shall not take effect unless
11 Senate Bill No.323
12 of the 87th Legislature is enacted into law.