



# SENATE BILL No. 399

February 16, 1993, Introduced by Senator POLLACK, DINGELL, DILLINGHAM, KOIVISTO, HART, CONROY, FAUST and STABENOW and referred to the Committee on Judiciary.

A bill to amend section 36 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. 185 of the Public Acts of 1989, being section 791.236 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. Section 36 of Act No. 232 of the Public Acts of  
2 1953, as amended by Act No. 185 of the Public Acts of 1989, being  
3 section 791.236 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 36. (1) All paroles shall be ordered by the parole  
6 board and shall be signed by the chairperson. Written notice of  
7 the order shall be given to the sheriff or other police officer  
8 of the municipality or county in which the prisoner was con-  
9 victed, and to the sheriff or other local police officer of the  
10 municipality or county to which the paroled prisoner is sent.

11       (2) An order of parole may be amended or rescinded at the  
12 discretion of the parole board for cause. IF A PAROLED PRISONER  
13 WHO IS REQUIRED TO REGISTER PURSUANT TO THE SEX OFFENDERS REGIS-  
14 TRATION ACT VIOLATES THAT ACT, THE PAROLE BOARD SHALL RESCIND THE  
15 PAROLE. A parole shall not be rescinded unless an interview is  
16 conducted by 1 member of the parole board. The purpose of the  
17 interview ~~shall be~~ IS to consider and act upon information  
18 received by the board ~~subsequent to~~ AFTER the original parole  
19 release decision. A rescission interview shall be conducted  
20 within 45 days ~~of receipt of~~ AFTER RECEIVING the new  
21 information. At least 10 days before the interview, the parolee  
22 shall receive a copy or summary of the new evidence ~~which~~ THAT  
23 is the basis for the interview. An amendment to a parole order  
24 shall be in writing and ~~shall not be~~ IS NOT effective until  
25 notice of the amendment is given to the parolee.

1       (3) When an order for parole is issued, the order shall  
2 contain the conditions of the parole and shall specifically  
3 provide proper means of supervision of the paroled prisoner in  
4 accordance with the rules of the bureau of field services.

5       (4) The order of parole shall contain a condition to pay  
6 restitution to, or perform services for, the victim of the  
7 prisoner's crime or the victim's estate if the prisoner has been  
8 sentenced to make restitution pursuant to the crime victim's  
9 rights act, Act No. 87 of the Public Acts of 1985, being sections  
10 780.751 to 780.834 of the Michigan Compiled Laws, or chapter IX  
11 of the code of criminal procedure, Act No. 175 of the Public Acts  
12 of 1927, being sections 769.1 to 769.28 of the Michigan Compiled  
13 Laws.

14       ~~(5) The order of parole shall contain a condition requiring~~  
15 ~~the parolee to pay a parole oversight fee or perform community~~  
16 ~~service, as prescribed in section 36a.~~ IF A PAROLEE IS REQUIRED  
17 TO REGISTER PURSUANT TO THE SEX OFFENDERS REGISTRATION ACT, THE  
18 PAROLE BOARD SHALL REGISTER THE PAROLEE PURSUANT TO THAT ACT  
19 BEFORE ISSUING A PAROLE ORDER.

20       Section 2. This amendatory act shall not take effect unless  
21 Senate Bill No. 397  
22                               of the 87th Legislature is enacted into law.