



SENATE BILL No. 558

March 31, 1993, Introduced by Senators BOUCHARD, GOUGEON and HOFFMAN 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; and to add section 34.

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 and sec-
4 tion 34 is added to read 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

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1 given to the parole board as part of the parole eligibility
2 report prepared for each prisoner pursuant to section 35 of Act
3 No. 232 of the Public Acts of 1953, being section 791.235 of the
4 Michigan Compiled Laws.

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

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

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

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

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

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

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

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

26 (3) All prisoners serving a sentence for a crime ~~which~~
27 THAT was committed on or after ~~the effective date of this 1986~~

1 ~~amendatory act shall be~~ APRIL 1, 1987, AND WHO WERE SENTENCED ON
2 OR BEFORE THE EFFECTIVE DATE OF THE 1993 AMENDATORY ACT THAT
3 AMENDED THIS SECTION, ARE eligible to earn disciplinary and spe-
4 cial disciplinary credits as provided in subsection (5).

5 Disciplinary credits shall be earned, forfeited, and restored as
6 provided in this section. Accumulated disciplinary credits shall
7 be deducted from a prisoner's minimum and maximum sentence in
8 order to determine his or her parole eligibility date and dis-
9 charge date.

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

14 (5) All prisoners serving a sentence on December 30, 1982,
15 or incarcerated after December 30, 1982, AND WHO WERE SENTENCED
16 ON OR BEFORE THE EFFECTIVE DATE OF THE 1993 AMENDATORY ACT THAT
17 AMENDED THIS SECTION, for the conviction of a crime enumerated in
18 section 33b(a) to (cc) of Act No. 232 of the Public Acts of 1953,
19 being section 791.233b of the Michigan Compiled Laws, ~~shall be~~
20 ARE eligible to earn a disciplinary credit of 5 days per month
21 for each month served after December 30, 1982. Accumulated dis-
22 ciplinary credits shall be deducted from a prisoner's minimum and
23 maximum sentence in order to determine his or her parole eligi-
24 bility dates.

25 A prisoner shall not earn disciplinary credits under this
26 subsection during any month in which the prisoner is found guilty
27 of having committed a major misconduct. The amount of

1 disciplinary credits not earned as a result of being found guilty
2 of a major misconduct shall be limited to the disciplinary cred-
3 its ~~which~~ THAT would have been earned for the month in which
4 the major misconduct occurred. Any disciplinary credits not
5 earned as a result of the prisoner being found guilty of a major
6 misconduct shall never be earned or restored. The warden may
7 order that a prisoner found guilty of a major misconduct, includ-
8 ing but not limited to charges of rioting, inciting to riot,
9 escape, homicide, or assault and battery, forfeit all or a por-
10 tion of the disciplinary credits accumulated prior to the month
11 in which the misconduct occurred. An order forfeiting accumu-
12 lated disciplinary credits shall be based upon a review of the
13 prisoner's institutional record.

14 The disciplinary credit committee, which is comprised of the
15 prisoner's resident unit manager, custody officers in the resi-
16 dent unit with direct supervisory responsibilities over the pris-
17 oner, and the appropriate work or school assignment supervisor,
18 shall be a part of the reclassification process and shall review,
19 at least annually, the status of each prisoner in the housing
20 unit who has forfeited disciplinary credits. The committee may
21 recommend to the warden whether any forfeited disciplinary cred-
22 its should be restored to the prisoner.

23 In addition to disciplinary credits, a prisoner ELIGIBLE FOR
24 DISCIPLINARY CREDITS UNDER THIS SUBSECTION may be awarded 2 days
25 per month special disciplinary credits for good institutional
26 conduct on the recommendation of the disciplinary credit
27 committee and the concurrence of the warden based on an annual

1 review of the prisoner's institutional record. Special
2 disciplinary credits shall not be awarded for any month in which
3 a prisoner has been found guilty of a major misconduct.

4 The department of corrections shall promulgate rules pursu-
5 ant to the administrative procedures act of 1969, Act No. 306 of
6 the Public Acts of 1969, being sections 24.201 to 24.328 of the
7 Michigan Compiled Laws, necessary to implement this subsection
8 not more than 180 days after December 30, 1982.

9 (6) On and after ~~the effective date of this 1986 amendatory~~
10 ~~act~~ APRIL 1, 1987, a prisoner shall not earn good time under
11 this section during any month in which the prisoner is found
12 guilty of having committed a major misconduct. The amount of
13 good time not earned as a result of being found guilty of a major
14 misconduct shall be limited to the amount of good time ~~which~~
15 THAT would have been earned during the month in which the major
16 misconduct occurred. Any good time not earned as a result of the
17 prisoner being found guilty of a major misconduct shall never be
18 earned or restored.

19 (7) The department of corrections shall promulgate rules
20 pursuant to Act No. 306 of the Public Acts of 1969, prescribing
21 how much of his or her accumulated good time or accumulated dis-
22 ciplinary credits the prisoner may forfeit if found guilty of 1
23 or more major misconducts.

24 (8) The warden may order that a prisoner found guilty of a
25 major misconduct forfeit all or a portion of the good time accu-
26 mulated prior to the month in which the misconduct occurred.

1 (9) The good time committee, which is comprised of the
2 prisoner's resident unit manager, custody officer in the resident
3 unit with direct supervisory responsibility over the prisoner,
4 and the appropriate work or school assignment supervisor, shall
5 be part of the reclassification process. The good time committee
6 shall recommend to the warden the amount of special good time to
7 be awarded and the restoration of any accumulated good time
8 ~~which~~ THAT has been forfeited.

9 (10) The warden, as a reward for good conduct, may restore
10 to a prisoner the whole or any portion of the good time or disci-
11 plinary credits forfeited because of a finding of guilty for a
12 major misconduct. However, forfeited good time or disciplinary
13 credits shall not be restored without the recommendation of the
14 disciplinary credit committee or good time committee and the
15 prior written approval of the deputy director in charge of the
16 bureau of correctional facilities or the deputy director in
17 charge of the bureau of field services. Disciplinary credits or
18 good time allowances that have not been earned because of insti-
19 tutional misconduct shall not be restored.

20 (11) A prisoner who has been sentenced concurrently for sep-
21 arate convictions shall have his or her good time or disciplinary
22 credits computed on the basis of the longest of the concurrent
23 sentences. If a prisoner is serving consecutive sentences for
24 separate convictions, his or her good time or disciplinary cred-
25 its shall be computed and accumulated on each sentence individu-
26 ally and all good time or disciplinary credits ~~which~~ THAT have

1 been earned on any of the sentences shall be subject to
2 forfeiture pursuant to subsections (5) and (8).

3 (12) The warden of an institution may grant special good
4 time allowances to eligible prisoners who are convicted of a
5 crime that is committed prior to ~~the effective date of this 1986~~
6 ~~amendatory act~~ APRIL 1, 1987. Special good time credit shall
7 not exceed 50% of the good time allowances under the schedule in
8 subsection (2). Special good time shall be awarded for good con-
9 duct only and shall not be awarded for any month in which a pris-
10 oner has been found guilty of a major misconduct.

11 (13) The parole board shall be exclusively empowered to
12 cause the forfeiture of good time or disciplinary credits earned
13 by a prisoner at the time of a parole violation.

14 (14) A PRISONER SENTENCED AFTER THE EFFECTIVE DATE OF THE
15 1993 AMENDATORY ACT THAT AMENDED THIS SECTION IS NOT ELIGIBLE FOR
16 GOOD TIME, SPECIAL GOOD TIME, DISCIPLINARY CREDITS, OR SPECIAL
17 DISCIPLINARY CREDITS.

18 SEC. 34. (1) A PRISONER SENTENCED AFTER THE EFFECTIVE DATE
19 OF THE 1993 AMENDATORY ACT THAT ADDED THIS SECTION SHALL RECEIVE
20 DISCIPLINARY TIME FOR EACH MAJOR MISCONDUCT FOR WHICH HE OR SHE
21 IS FOUND GUILTY. THE AMOUNT OF DISCIPLINARY TIME TO BE RECEIVED
22 FOR EACH TYPE OF MISCONDUCT SHALL BE PRESCRIBED BY THE DEPARTMENT
23 IN A WRITTEN SCHEDULE MADE AVAILABLE TO ALL PRISONERS NOT LATER
24 THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE 1993 AMENDATORY ACT
25 THAT ADDED THIS SECTION. THE DEPARTMENT SHALL PROMULGATE RULES
26 IMPLEMENTING THE WRITTEN SCHEDULE PURSUANT TO THE ADMINISTRATIVE
27 PROCEDURES ACT OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE

1 MICHIGAN COMPILED LAWS. THE DEPARTMENT SHALL SUBMIT THE PROPOSED
2 RULES TO THE JOINT COMMITTEE ON ADMINISTRATIVE RULES NOT LATER
3 THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE 1993 AMENDATORY ACT
4 THAT ADDED THIS SECTION. UNTIL THE RULES TAKE EFFECT, THE
5 DEPARTMENT SHALL ABIDE BY THE WRITTEN SCHEDULE MADE AVAILABLE TO
6 THE PRISONERS.

7 (2) ACCUMULATED DISCIPLINARY TIME SHALL BE ADDED TO A
8 PRISONER'S MINIMUM SENTENCE IN ORDER TO DETERMINE HIS OR HER
9 PAROLE ELIGIBILITY DATE. A PRISONER'S MINIMUM SENTENCE, PLUS
10 DISCIPLINARY TIME, SHALL NOT EXCEED HIS OR HER MAXIMUM SENTENCE.

11 (3) A PRISONER WHO HAS BEEN SENTENCED CONCURRENTLY FOR SEPA-
12 RATE CONVICTIONS SHALL HAVE HIS OR HER DISCIPLINARY TIME COMPUTED
13 ON THE BASIS OF THE LONGEST OF THE CONCURRENT SENTENCES. IF A
14 PRISONER IS SERVING CONSECUTIVE SENTENCES FOR SEPARATE CONVIC-
15 TIONS, HIS OR HER DISCIPLINARY TIME SHALL BE COMPUTED AND ACCUMU-
16 LATED ON EACH SENTENCE INDIVIDUALLY.

17 (4) A PRISONER SENTENCED ON OR BEFORE THE 1993 AMENDATORY
18 ACT THAT ADDED THIS SECTION IS NOT SUBJECT TO THIS SECTION.

19 Section 2. This amendatory act shall not take effect unless
20 Senate Bill No. 557

21 of the 87th Legislature is enacted into law.