



SENATE BILL No. 911

October 20, 1993, Introduced by Senator FAUST and referred to the Committee on Family Law, Mental Health, and Corrections

A bill to amend sections 65a and 65h 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,"

section 65a as amended by Act No 272 of the Public Acts of 1988 and section 65h as added by Act No 353 of the Public Acts of

1990, being sections 791 265a and 791 265h of the Michigan
Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 65a and 65h of Act No 232 of the
2 Public Acts of 1953, section 65a as amended by Act No 272 of the
3 Public Acts of 1988 and section 65h as added by Act No 353 of
4 the Public Acts of 1990, being sections 791 265a and 791 265h of
5 the Michigan Compiled Laws, are amended to read as follows

6 Sec 65a (1) ~~Under~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
7 UNDER prescribed conditions, the director may extend the limits
8 of confinement of a prisoner ~~—~~ when there is reasonable assur-
9 ance, after consideration of all facts and circumstances, that
10 the prisoner will not become a menace to society or to the public
11 safety, by authorizing the prisoner to do any of the following

12 (a) Visit a specifically designated place or places An
13 extension of limits may be granted only to a prisoner housed in a
14 state correctional facility to permit a visit to a critically ill
15 relative, attendance at the funeral of a relative, or ~~the~~ con-
16 tacting ~~of~~ prospective employers The maximum amount of time a
17 prisoner is eligible for an extension of the limits of confine-
18 ment under this subdivision shall not exceed a cumulative total
19 period of 30 days On or before December 31, 1989 the depart-
20 ment shall report to the standing committee of the senate and
21 house of representatives having jurisdiction over corrections the
22 number of prisoners who are ~~under~~ SUBJECT TO this subdivision,
23 the amount of time each prisoner is released, and any major

1 misconducts or crimes committed by a prisoner released under this
2 subparagraph between December 1, 1988 and December 1, 1989

3 (b) Obtain medical services not otherwise available to a
4 prisoner housed in a state correctional facility

5 (c) Work at paid employment, participate in a training or
6 educational program, or participate in a community residential
7 drug treatment program while continuing as a prisoner housed on a
8 voluntary basis at a community corrections center or in a commu-
9 nity residential home

10 (2) A PRISONER CONVICTED OF VIOLATING SECTION 7401 7402, OR
11 7403 OF THE PUBLIC HEALTH CODE, ACT NO 368 OF THE PUBLIC ACTS OF
12 1978, BEING SECTIONS 333 7401, 333 7402, OR 333 7403 OF THE
13 MICHIGAN COMPILED LAWS, SHALL IMMEDIATELY BE PLACED IN A COMMU-
14 NITY RESIDENTIAL HOME IF ALL OF THE FOLLOWING CIRCUMSTANCES
15 EXIST

16 (A) THE PERSON HAS NOT PREVIOUSLY BEEN CONVICTED OF A FELONY
17 OR AN ASSAULTIVE CRIME, AND IS NOT CONVICTED OF A FELONY OR AN
18 ASSAULTIVE CRIME ARISING FROM THE SAME TRANSACTION AS THE VIOLA-
19 TION OF SECTION 7401, 7402 OR 7403 OF ACT NO 368 OF THE PUBLIC
20 ACTS OF 1978 AS USED IN THIS SUBDIVISION, "ASSAULTIVE CRIME"
21 MEANS A CRIME THAT HAS AS AN ELEMENT OF THAT CRIME THE USE OF
22 FORCE OR THE THREAT OF THE USE OF FORCE

23 (B) THE PERSON IS SENTENCED TO A MINIMUM TERM OF IMPRISON-
24 MENT OF MORE THAN 2 YEARS

25 (C) THE PERSON HAS SERVED AT LEAST 1/2 OF HIS OR HER MINIMUM
26 TERM OF IMPRISONMENT

1 (3) ~~-(2)-~~ The director shall promulgate rules to implement
2 this section

3 (4) ~~-(3)-~~ The willful failure of a prisoner to remain within
4 the extended limits of his or her confinement or to return within
5 the time prescribed to an institution or facility designated by
6 the director shall be ~~-deemed-~~ CONSIDERED an escape from custody
7 as provided in section 193 of the Michigan penal code, Act
8 No 328 of the Public Acts of 1931, as amended, being section
9 750 193 of the Michigan Compiled Laws

10 (5) ~~-(4)-Prisoners-~~ A PRISONER convicted of a crime of vio-
11 lence or ~~-any-~~ AN assaultive crime ~~-shall not be-~~ IS NOT eligible
12 for ~~-the extensions-~~ AN EXTENSION of the limits of confinement
13 provided in subsection (1) until ~~-such time as-~~ the minimum sen-
14 tence imposed for the crime has less than 180 days remaining,
15 ~~-except that if-~~ UNLESS the reason for the extension is to visit
16 a critically ill relative, attend the funeral of a relative, or
17 obtain medical services not otherwise available, the director may
18 allow the extension under escort as provided in subsection (1)

19 (6) ~~-(5)-Prisoners-~~ A PRISONER serving a sentence for murder
20 in the first degree ~~-shall not be-~~ IS NOT eligible for ~~-the~~
21 ~~extensions-~~ AN EXTENSION of confinement under this section until
22 a parole release date is established by the parole board and in
23 no case ~~-prior to service of-~~ BEFORE SERVING 15 calendar years
24 with a good institutional adjustment

25 (7) ~~-(6)-~~ As used in this section

26 (a) "Community corrections center" means a facility either
27 contracted for or operated by the department in which a security

1 staff is on duty 7 days per week, 24 hours per day ~~except that~~
2 ~~the department may waive the requirement that electronic monitor-~~
3 ~~ing be provided as to any prisoner who is within 3 months of his~~
4 ~~or her parole date~~

5 (b) "Community residential home" means a facility where
6 electronic monitoring of prisoner presence is provided by the
7 department 7 days per week, 24 hours per day EXCEPT AS PROVIDED
8 IN SUBSECTION (2), THE DEPARTMENT MAY WAIVE THE REQUIREMENT THAT
9 ELECTRONIC MONITORING BE PROVIDED AS TO ANY PRISONER WHO IS
10 WITHIN 3 MONTHS OF HIS OR HER PAROLE DATE

11 (c) "State correctional facility" means a facility owned or
12 leased by the department State correctional facility does not
13 include a community corrections center or community residential
14 home

15 Sec 65h (1) ~~A~~ EXCEPT AS PROVIDED IN SECTION 65A(2), A
16 prisoner who does not meet the community status criteria shall
17 not be placed in a community corrections center or community res-
18 idential home The community status criteria include all of the
19 following requirements

20 (a) The prisoner has been given a level I security classifi-
21 cation by the department's bureau of correctional facilities, on
22 a scale of 6 levels in which level I is the least restrictive
23 level

24 (b) The prisoner is not serving a sentence for conviction of
25 a crime of escape under section 193 of the Michigan penal code,
26 Act No 328 of the Public Acts of 1931, being section 750 193 of
27 the Michigan Compiled Laws

1 (c) The prisoner is not serving a sentence for conviction of
2 a criminal sexual conduct offense listed in section 2a(1) of
3 chapter IX of the code of criminal procedure, Act No 175 of the
4 Public Acts of 1927, being section 769 2a of the Michigan
5 Compiled Laws

6 (d) The prisoner is not classified as a very high assault
7 risk according to the department's risk screening criteria

8 (e) The prisoner does not have any pending felony charges
9 against him or her, and is not subject to a detainer request from
10 another jurisdiction by which the prisoner, upon his or her
11 release would be returned to that other jurisdiction to begin
12 serving another felony sentence

13 (f) The prisoner has not been given a special designation by
14 the department ~~which~~ THAT would prevent his or her placement

15 (g) If the prisoner is serving a sentence for conviction of
16 a crime of violence or an assaultive crime, as defined by rules
17 of the department, the prisoner has less than 180 days remaining
18 on his or her minimum sentence and otherwise meets the community
19 placement requirements of section 65a

20 (h) If the prisoner is not subject to the 180-day rule
21 described in subdivision (g), the prisoner is being placed no
22 earlier in that prisoner's sentence than is allowed by the admin-
23 istrative rules of the department

24 (2) Except as provided in subsections (3) and (4) a pris-
25 oner who is placed in a community corrections center shall be
26 placed in a center that is located in 1 of the following

1 (a) The county of the prisoner's most recent residence as
2 listed on the prisoner's presentence report

3 (b) A county in which the prisoner's spouse, parent, grand-
4 parent, brother, sister, or child resides

5 (3) Subsection (2) does not prohibit the department from
6 operating a community corrections center that serves more than 1
7 county Any prisoner placed in such a center shall meet the con-
8 ditions of subsection (2)(a) or (b) of the counties the center
9 serves

10 (4) Notwithstanding subsection (2), not more than 10% of the
11 prisoner population of any community corrections center, at any 1
12 time, may consist of prisoners who would not be placed in that
13 community corrections center according to the provisions of
14 subsection (2)

15 (5) The department shall establish a curfew for every pris-
16 oner placed in a community corrections center

17 (6) Random checks shall be conducted for all prisoners who
18 are allowed off the premises of the community corrections center
19 for ~~purposes of~~ employment, seeking employment, attending
20 school receiving treatment, or for any other approved reason
21 The random checks shall be ~~for the purpose of verifying~~ TO
22 VERIFY that each prisoner allowed off the premises is participat-
23 ing as scheduled in the function for which he or she is allowed
24 off the premises

25 Section 2 This amendatory act shall not take effect unless
26 Senate Bill No 911

27 of the 87th Legislature is enacted into law