



# SENATE BILL No. 980

January 25, 1994, Introduced by Senators DiNello and Welborn and referred to the Committee on Judiciary

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 to 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 transferred by this act 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 make certain appropriations 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 IS subject to the jurisdiction of the parole board when the pris-  
9 oner has served a period of time equal to the minimum sentence  
10 imposed by the court for the crime of which he or she was con-  
11 victed, less 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~~ HAS  
15 jurisdiction over the prisoner for purposes of parole when the  
16 prisoner has served the total time of the added minimum terms,  
17 less the good time and disciplinary credit allowed by statute  
18 The maximum terms of the sentences shall be added to compute the  
19 new maximum term under this subsection, and discharge shall be  
20 issued only after the total of the maximum sentences has been  
21 served less good time and disciplinary credits, unless the pris-  
22 oner is paroled and discharged upon satisfactory completion of  
23 the 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 prisoner under sentence for life or for a term of~~  
4 ~~years, other~~ OTHER than a prisoner sentenced for life for murder  
5 in the first degree UNDER SECTION 316 OF THE MICHIGAN PENAL CODE,  
6 ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750 316 OF  
7 THE MICHIGAN COMPILED LAWS, OR FOR FIRST DEGREE CHILD ABUSE UNDER  
8 SECTION 136B OF ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING  
9 SECTION 750 136B OF THE MICHIGAN COMPILED LAWS, or sentenced for  
10 life or for a minimum term of imprisonment for a major controlled  
11 substance offense, A PRISONER UNDER SENTENCE FOR LIFE OR FOR A  
12 TERM OF YEARS who has served 10 calendar years of the sentence in  
13 the case of a prisoner sentenced for a crime committed before  
14 October 1, 1992, or who has served 15 calendar years of the sen-  
15 tence in the case of a prisoner sentenced for a crime committed  
16 on or after October 1, 1992, is subject to the jurisdiction of  
17 the parole board and may be released on parole by the parole  
18 board, subject to the following conditions

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

1 (b) A parole shall not be granted a prisoner so sentenced  
2 until after a public hearing held in the manner prescribed for  
3 pardons and commutations in sections 44(d) to (f) and 45 Notice  
4 of the public hearing shall be given to the sentencing judge, or  
5 the judge's successor in office, and parole shall not be granted  
6 if the sentencing judge, or the judge's successor in office,  
7 files written objections to the granting of the parole within 30  
8 days of receipt of the notice of hearing The written objections  
9 shall be made part of the prisoner's file

10 (c) A parole granted under this subsection shall be for a  
11 period of not less than 4 years and subject to the usual rules  
12 pertaining to paroles granted by the parole board A parole  
13 ordered under this subsection ~~shall not become~~ IS NOT valid  
14 until the transcript of the record is filed with the attorney  
15 general whose certification of receipt of the transcript shall be  
16 returnable to the office of the parole board within 5 days  
17 Except for medical records protected under section 2157 of the  
18 revised judicature act of 1961, Act No 236 of the Public Acts of  
19 1961, being section 600 2157 of the Michigan Compiled Laws, the  
20 file of a prisoner granted a parole under this subsection shall  
21 be a public record

22 (d) A parole shall not be granted under this subsection in  
23 the case of a prisoner who is otherwise prohibited by law from  
24 parole consideration In such cases the interview procedures in  
25 section 44 shall be followed

26 (5) Except as provided in section 34a, a prisoner's release  
27 on parole ~~shall be~~ IS discretionary with the parole board The

1 action of the parole board in granting or denying a parole ~~shall~~  
2 ~~be~~ IS appealable by the prisoner, the prosecutor of the county  
3 from which the prisoner was committed, or the victim of the crime  
4 for which the prisoner was convicted The appeal shall be to the  
5 circuit court by leave of the court

6 Section 2 This amendatory act shall not take effect unless  
7 Senate Bill No 979

8 of the 87th Legislature is enacted into law