



SENATE BILL No. 1013

February 9, 1994, Introduced by Senator WELBORN and referred to the Committee on Family Law, Mental Health, and Corrections

A bill to amend 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 being sections 791 201 to 791 283 of the Michigan

Compiled Laws by adding section 5a

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Act No 232 of the Public Acts of 1953 as
2 amended, being sections 791 201 to 791 283 of the Michigan
3 Compiled Laws, is amended by adding section 5a to read as
4 follows

5 SEC 5A (1) BEGINNING ON THE EFFECTIVE DATE OF THIS SEC-
6 TION, AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY, OR WHO IS
7 SUBJECT TO ANY PENDING FELONY CHARGES, SHALL NOT BE EMPLOYED BY
8 OR APPOINTED TO A POSITION IN THE DEPARTMENT, EXCEPT AS PROVIDED
9 IN SUBSECTION (2)

10 (2) THE DIRECTOR MAY WAIVE THE PROHIBITION IN SUBSECTION (1)
11 AS TO ANY INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY AND WHO
12 MEETS BOTH OF THE FOLLOWING CONDITIONS

13 (A) THE DATE OF FINAL RELEASE FROM INCARCERATION, THE DATE
14 OF FINAL RELEASE FROM PROBATION, OR THE DATE OF FINAL RELEASE
15 FROM PAROLE, WHICHEVER IS LATER OCCURRED NOT LESS THAN 5 YEARS
16 BEFORE THE DATE ON WHICH THE INDIVIDUAL APPLIES FOR THE APPOINT-
17 MENT OR EMPLOYMENT, AND THE PERSON IS NOT SUBJECT TO ANY PENDING
18 FELONY CHARGES

19 (B) THE DIRECTOR CONDUCTS AN EXTENSIVE AND COMPLETE INVESTI-
20 GATION OF THE INDIVIDUAL'S BACKGROUND, AND DETERMINES THAT NOT-
21 WITHSTANDING THE INDIVIDUAL'S FELONY CONVICTION THE EMPLOYMENT
22 OR APPOINTMENT OF THE INDIVIDUAL IS APPROPRIATE A WRITTEN
23 REPORT, SIGNED BY THE DIRECTOR, SHALL BE MADE OF EVERY INVESTIGA-
24 TION UNDER THIS SUBDIVISION THAT RESULTS IN A DETERMINATION THAT
25 AN INDIVIDUAL'S EMPLOYMENT OR APPOINTMENT IS APPROPRIATE