



SENATE BILL No. 1243

September 14, 1994, Introduced by Senators BERRYMAN, HART
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 217 of the Public Acts of 1994, 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 217 of the Public Acts of 1994, 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 other than
8 a prisoner subject to disciplinary time is subject to the juris-
9 diction of the parole board when the prisoner has served a period
10 of time equal to the minimum sentence imposed by the court for
11 the crime of which he or she was convicted, less good time and
12 disciplinary credits, if applicable

13 (2) Except as provided in section 34a, a prisoner subject to
14 disciplinary time sentenced to an indeterminate sentence and con-
15 fined in a state correctional facility with a minimum in terms of
16 years is subject to the jurisdiction of the parole board when the
17 prisoner has served a period of time equal to the minimum sen-
18 tence imposed by the court for the crime of which he or she was
19 convicted, plus any disciplinary time accumulated pursuant to
20 section 34 of Act No 118 of the Public Acts of 1893, being sec-
21 tion 800 34 of the Michigan Compiled Laws

22 (3) If a prisoner other than a prisoner subject to disci-
23 plinary time is sentenced for consecutive terms, whether received
24 at the same time or at any time during the life of the original
25 sentence, the parole board has jurisdiction over the prisoner for
26 purposes of parole when the prisoner has served the total time of

1 the added minimum terms, less the good time and disciplinary
 2 credits allowed by statute The maximum terms of the sentences
 3 shall be added to compute the new maximum term under this subsec-
 4 tion, and discharge shall be issued only after the total of the
 5 maximum sentences has been served less good time and disciplinary
 6 credits, unless the prisoner is paroled and discharged upon sat-
 7 isfactory completion of the parole

8 (4) If a prisoner subject to disciplinary time is sentenced
 9 for consecutive terms, whether received at the same time or at
 10 any time during the life of the original sentence, the parole
 11 board has jurisdiction over the prisoner for purposes of parole
 12 when the prisoner has served the total time of the added minimum
 13 terms, plus any disciplinary time The maximum terms of the sen-
 14 tences shall be added to compute the new maximum term under this
 15 subsection, and discharge shall be issued only after the total of
 16 the maximum sentences has been served, unless the prisoner is
 17 paroled and discharged upon satisfactory completion of the
 18 parole

19 (5) If a prisoner other than a prisoner subject to disci-
 20 plinary time has 1 or more consecutive terms remaining to serve
 21 in addition to the term he or she is serving, the parole board
 22 may terminate the sentence the prisoner is presently serving at
 23 any time after the minimum term of the sentence has been served

24 (6) A prisoner ~~under sentence~~ SENTENCED TO IMPRISONMENT
 25 for life or for a term of years, other than a prisoner sentenced
 26 TO IMPRISONMENT for life for murder in the first degree, ~~or~~
 27 sentenced for life or for a minimum term of imprisonment for a

1 major controlled substance offense, OR A PRISONER SENTENCED TO
2 IMPRISONMENT FOR LIFE UNDER SECTION 12A OF CHAPTER IX OF THE CODE
3 OF CRIMINAL PROCEDURE, ACT NO 175 OF THE PUBLIC ACTS OF 1927,
4 BEING SECTION 769 12A OF THE MICHIGAN COMPILED LAWS, who has
5 served 10 calendar years of the sentence in the case of a pris-
6 oner sentenced for a crime committed before October 1, 1992, or
7 who has served 15 calendar years of the sentence in the case of a
8 prisoner sentenced for a crime committed on or after October 1,
9 1992, is subject to the jurisdiction of the parole board and may
10 be released on parole by the parole board, subject to the follow-
11 ing conditions

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

20 (b) A parole shall not be granted a prisoner so sentenced
21 until after a public hearing held in the manner prescribed for
22 pardons and commutations in sections ~~44(2)(f) to (h)~~ 44 and
23 45 Notice of the public hearing shall be given to the sentenc-
24 ing judge, or the judge's successor in office, and parole shall
25 not be granted if the sentencing judge, or the judge's successor
26 in office, files written objections to the granting of the parole

1 within 30 days of receipt of the notice of hearing The written
2 objections shall be made part of the prisoner's file

3 (c) A parole granted under this subsection shall be for ~~a~~
4 ~~period of~~ not less than 4 years and subject to the usual rules
5 pertaining to paroles granted by the parole board A parole
6 ordered under this subsection is not valid until the transcript
7 of the record is filed with the attorney general ~~whose~~ THE
8 ATTORNEY GENERAL'S certification of ~~receipt of~~ RECEIVING the
9 transcript shall be ~~returnable~~ RETURNED to the office of the
10 parole board within 5 days Except for medical records protected
11 under section 2157 of the revised judicature act of 1961, Act
12 No 236 of the Public Acts of 1961, being section 600 2157 of the
13 Michigan Compiled Laws, the file of a prisoner granted a parole
14 under this subsection is a public record

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

19 (7) Except as provided in section 34a a prisoner's release
20 on parole is discretionary with the parole board The action of
21 the parole board in granting or denying a parole is appealable by
22 the prisoner, the prosecutor of the county from which the pris-
23 oner was committed, or the victim of the crime for which the
24 prisoner was convicted The appeal shall be to the circuit court
25 by leave of the court

26 (8) THE PROVISIONS OF THIS SECTION REGARDING PRISONERS
27 SUBJECT TO DISCIPLINARY TIME TAKE EFFECT BEGINNING ON THE

1 EFFECTIVE DATE OF ACT NO 217 OF THE PUBLIC ACTS OF 1994, AS

2 PRESCRIBED IN ENACTING SECTION 2 OF THAT AMENDATORY ACT

3 Section 2 This amendatory act shall not take effect unless

4 Senate Bill No _____ or House Bill No _____ (request

5 no 05816'94) of the 87th Legislature is enacted into law

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