

Act No. 140
Public Acts of 1996
Approved by the Governor
March 22, 1996
Filed with the Secretary of State
March 25, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. Hill, Horton, Jersevic, Gustafson, Dobb, DeLange, Bodem, Middleton, Dolan, Voorhees,
Kukuk, Green, Galloway and Llewellyn

ENROLLED HOUSE BILL No. 4398

AN ACT 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:

Section 1. Act No. 232 of the Public Acts of 1953, as amended, being sections 791.201 to 791.283 of the Michigan Compiled Laws, is amended by adding section 5a to read as follows:

Sec. 5a. (1) Beginning on the effective date of this section, an individual who has been convicted of a felony, or who is subject to any pending felony charges, shall not be employed by or appointed to a position in the department.

(2) If records available to the department show that an applicant for employment or appointment has been convicted of a felony or is subject to pending felony charges, the department shall inform the applicant of that fact and of his or her resulting ineligibility for employment or appointment. At the request of the applicant, the department shall permit the applicant to review the relevant portion of the records. If the applicant disputes the accuracy of the records, the department shall allow the applicant a reasonable period of time to contact the responsible agency or agencies in order to correct the alleged inaccuracies, and shall allow the applicant to reapply for employment or appointment if the records, as corrected, would remove the ineligibility imposed by this section.

(3) This section does not apply to a person employed by or appointed to a position in the department before the effective date of this section.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.