

Act No. 104
Public Acts of 1996
Approved by the Governor
March 4, 1996
Filed with the Secretary of State
March 5, 1996

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

Introduced by Reps. Perricone, Bush, Jersevic, Weeks, Byl, Goschka, Cropsey, Lowe, Jaye, Voorhees, London, Bullard, McManus, Dalman, Hill, Geiger, Galloway and Ryan
Reps. Bodem, Clack, Curtis, DeLange, DeMars, Dobb, Dolan, Gagliardi, Gernaat, Gnodtke, Green, Hammerstrom, Horton, Jellema, Kaza, Kelly, Kukuk, Law, Llewellyn, McBryde, Murphy, Nye, Olshove, Oxender, Palamara, Porreca, Rhead, Rocca and Sikkema named co-sponsors

ENROLLED HOUSE BILL No. 4694

AN ACT to amend sections 6 and 65d 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," section 6 as amended by Act No. 271 of the Public Acts of 1986 and section 65d as added by Act No. 401 of the Public Acts of 1988, being sections 791.206 and 791.265d of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 6 and 65d of Act No. 232 of the Public Acts of 1953, section 6 as amended by Act No. 271 of the Public Acts of 1986 and section 65d as added by Act No. 401 of the Public Acts of 1988, being sections 791.206 and 791.265d of the Michigan Compiled Laws, are amended to read as follows:

Sec. 6. (1) The director may promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, which may provide for all of the following:

- (a) The control, management, and operation of the general affairs of the department.
- (b) Supervision and control of probationers and probation officers throughout this state.
- (c) The manner in which applications for pardon, reprieve, medical commutation, or commutation shall be made to the governor; the procedures for handling applications and recommendations by the parole board; the manner in which paroles shall be considered, the criteria to be used to reach release decisions, the procedures for medical and special paroles, and the duties of the parole board in those matters; interviews on paroles and for the notice of intent to conduct an interview; the entering of appropriate orders granting or denying paroles; the supervision and control of paroled prisoners; and the revocation of parole.
- (d) The management and control of state penal institutions, correctional farms, probation recovery camps, and programs for the care and supervision of youthful trainees separate and apart from persons convicted of crimes within the jurisdiction of the department. Except as provided for in section 62(3), this subdivision shall not apply to detention facilities operated by local units of government used to detain persons less than 72 hours. The rules may permit the use of portions of penal institutions in which persons convicted of crimes are detained. The rules shall provide that decisions as to the removal of a youth from the youthful trainee facility or the release of a youth from the supervision of the department shall be made by the department and shall assign responsibility for those decisions to a committee.
- (e) The management and control of prison labor and industry.
- (2) The director may promulgate rules providing for a parole board structure consisting of 3-member panels.
- (3) The director may promulgate further rules with respect to the affairs of the department as the director considers necessary or expedient for the proper administration of this act. The director may modify, amend, supplement, or rescind a rule.
- (4) The director and the corrections commission shall not promulgate a rule or adopt a guideline that does either of the following:
 - (a) Prohibits a probation officer or parole officer from carrying a firearm while on duty.
 - (b) Allows a prisoner to have his or her name changed. If the Michigan supreme court rules that subsection 4(b) is violative of constitutional provisions under the first and fourteenth amendments to the United States constitution and article I, sections 2 and 4 of the Michigan constitution of 1963, the remaining provisions of the code shall remain in effect.
- (5) If the Michigan supreme court rules that sections 45 and 46 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.245 and 24.246 of the Michigan Compiled Laws, are unconstitutional, and a statute requiring legislative review of administrative rules is not enacted within 90 days after the Michigan supreme court ruling, the department shall not promulgate rules under this section.

Sec. 65d. (1) If 1 or more of the following occur, the department shall make an entry in the law enforcement information network:

- (a) A prisoner escapes from a state correctional facility.
- (b) A parole violation warrant is issued.
- (2) If 1 or more of the following occur, the department shall make available on line to the law enforcement information network, by way of the corrections management information system, the following information:
 - (a) A prisoner is transferred into a community residential program.
 - (b) A prisoner is transferred into a minimum custody correctional facility of any kind, including a correctional camp or work camp.
 - (c) A person's parole status changes.
- (3) An entry under subsection (1), or information under subsection (2), shall be entered or made available not later than 24 hours after the event occurs, and shall include the prisoner's name and former name, if any, physical descriptors, the remaining term of his or her sentence, and any other information determined relevant by the department.
- (4) As used in this section, "state correctional facility" means a facility or institution which houses a prisoner population under the jurisdiction of the department.

Section 2. This amendatory act shall take effect April 1, 1996.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 346 of the 88th Legislature is enacted into law.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.