

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

Introduced by Rep. Murphy

# **ENROLLED HOUSE BILL No. 5336**

AN ACT to amend section 34 of Act No. 118 of the Public Acts of 1893, entitled as amended "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," as added by Act No. 218 of the Public Acts of 1994, being section 800.34 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 34 of Act No. 118 of the Public Acts of 1893, as added by Act No. 218 of the Public Acts of 1994, being section 800.34 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 34. (1) A prisoner subject to disciplinary time shall receive disciplinary time for each major misconduct for which he or she is found guilty as prescribed by rule pursuant to section 35.

(2) Accumulated disciplinary time shall be added to a prisoner's minimum sentence in order to determine his or her parole eligibility date. A prisoner's minimum sentence, plus disciplinary time, shall not exceed his or her maximum sentence.

(3) A prisoner who has been sentenced concurrently for separate convictions shall have his or her disciplinary time computed and accumulated on each sentence individually. If a prisoner is serving consecutive sentences for separate convictions, his or her disciplinary time shall be computed and accumulated on each sentence individually.

(4) A prisoner subject to disciplinary time may have any or all of his or her accumulated disciplinary time reduced by the department if he or she has demonstrated exemplary good conduct during the term of imprisonment. Disciplinary time deducted pursuant to this section may be restored if the prisoner is found guilty of a major misconduct.

(5) As used in this act, "prisoner subject to disciplinary time" means a prisoner sentenced on or after the effective date of the amendatory act that added this section to an indeterminate term of imprisonment for any of the following:

(a) A violation of section 625(4) or (5) of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.625 of the Michigan Compiled Laws.

(b) A violation of section 80176(4) or (5) of part 801 (marine safety) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.80176 of the Michigan Compiled Laws.

(c) A violation of section 72, 73, 80, 82, 83, 84, 86, 87, 88, 89, 90, 110a(2), 112, 136b(2), 145c, 204, 204a, 205, 205a, 206, 207, 208, 210, 211, 211a, 213, 316, 317, 319, 321, 322, 327, 328, 329, 349, 349a, 350, 357, 397, 411i, 479b, 520b, 520c, 520d, 520e, 520g, 529, 529a, 530, or 531 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.72, 750.73, 750.80, 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.90, 750.110a, 750.112, 750.136b, 750.145c, 750.204, 750.204a, 750.205, 750.205a, 750.206, 750.207, 750.208, 750.210, 750.211, 750.211a, 750.213, 750.316, 750.317,

750.319, 750.321, 750.322, 750.327, 750.328, 750.329, 750.349, 750.349a, 750.350, 750.357, 750.397, 750.411i, 750.479b, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, 750.530, and 750.531 of the Michigan Compiled Laws.

(d) A violation of section 1 of Act No. 214 of the Public Acts of 1931, being section 752.191 of the Michigan Compiled Laws.

(e) A violation of section 1, 2, or 2a of Act No. 302 of the Public Acts of 1968, being sections 752.541, 752.542, and 752.542a of the Michigan Compiled Laws.

(f) Any offense not listed in subdivisions (a) to (e) that is punishable by life imprisonment.

(g) An attempt, conspiracy, or solicitation to commit an offense described in subdivisions (a) to (f).

Section 2. This amendatory act shall take effect on the date that sentencing guidelines are enacted into law after the sentencing commission submits its report to the secretary of the senate and the clerk of the house of representatives pursuant to sections 31 to 34 of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 769.31 to 769.34 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.