



HOUSE BILL No. 4206

January 30, 1995, Introduced by Reps. Pitoniak, DeHart, DeMars, Cherry, Varga, Anthony, Hanley, Berman, Brewer, Profit, Freeman, Baird and Brater and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 33 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 791.233 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 33 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 791.233 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 33. (1) The grant of a parole is subject to all of the
6 following:

7 (a) A prisoner shall not be given liberty on parole until
8 the board has reasonable assurance, after consideration of all of
9 the facts and circumstances, including the prisoner's mental and
10 social attitude, that the prisoner will not become a menace to
11 society or to the public safety.

12 (b) Except as provided in section 34a, a parole shall not be
13 granted to a prisoner other than a prisoner subject to disci-
14 plinary time until the prisoner has served the minimum term
15 imposed by the court less allowances for good time or special
16 good time to which the prisoner may be entitled by statute,
17 except that a prisoner other than a prisoner subject to disci-
18 plinary time is eligible for parole before the expiration of his
19 or her minimum term of imprisonment whenever the sentencing
20 judge, or the judge's successor in office, gives written approval
21 of the parole of the prisoner before the expiration of the mini-
22 mum term of imprisonment.

23 (c) Except as provided in section 34a, and notwithstanding
24 the provisions of subdivision (b), a parole shall not be granted
25 to a prisoner other than a prisoner subject to disciplinary time
26 sentenced for the commission of a crime described in

1 section 33b(a) to (cc) until the prisoner has served the minimum
2 term imposed by the court less an allowance for disciplinary
3 credits as provided in section 33(5) of Act No. 118 of the Public
4 Acts of 1893, being section 800.33 of the Michigan Compiled
5 Laws. A prisoner described in this subdivision is not eligible
6 for special parole.

7 (d) Except as provided in section 34a, a parole shall not be
8 granted to a prisoner subject to disciplinary time until the
9 prisoner has served the minimum term imposed by the court, plus
10 any disciplinary time accumulated pursuant to section 34 of Act
11 No. 118 of the Public Acts of 1893, being section 800.34 of the
12 Michigan Compiled Laws.

13 (e) A prisoner shall not be released on parole until the
14 parole board has satisfactory evidence that arrangements have
15 been made for such honorable and useful employment as the pris-
16 oner is capable of performing, for the prisoner's education, or
17 for the prisoner's care if the prisoner is mentally or physically
18 ill or incapacitated.

19 (F) A PRISONER WHOSE MINIMUM TERM OF IMPRISONMENT IS 2 YEARS
20 OR MORE SHALL NOT BE RELEASED ON PAROLE UNLESS HE OR SHE HAS
21 EITHER EARNED A HIGH SCHOOL DIPLOMA OR EARNED ITS EQUIVALENT IN
22 THE FORM OF A GENERAL EDUCATION DEVELOPMENT (GED) CERTIFICATE.
23 THE DEPARTMENT OF CORRECTIONS MAY WAIVE THE RESTRICTION IMPOSED
24 BY THIS SUBDIVISION AS TO ANY PRISONER WHO HAS A LEARNING DIS-
25 ABILITY, WHO DOES NOT HAVE THE NECESSARY PROFICIENCY IN ENGLISH,
26 OR WHO FOR SOME OTHER REASON THAT IS NOT THE FAULT OF THE
27 PRISONER IS UNABLE TO SUCCESSFULLY COMPLETE THE REQUIREMENTS FOR

1 A HIGH SCHOOL DIPLOMA OR A GENERAL EDUCATION DEVELOPMENT
2 CERTIFICATE. IF THE PRISONER DOES NOT HAVE THE NECESSARY PROFI-
3 CIENCY IN ENGLISH, THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE
4 ENGLISH LANGUAGE TRAINING FOR THAT PRISONER NECESSARY FOR THE
5 PRISONER TO BEGIN WORKING TOWARD THE COMPLETION OF THE REQUIRE-
6 MENTS FOR A GENERAL EDUCATION DEVELOPMENT CERTIFICATE.

7 (2) Paroles-in-custody to answer warrants filed by local or
8 out-of-state agencies, or immigration officials, are permissible
9 if an accredited agent of the agency filing the warrant calls for
10 the prisoner to be paroled in custody.

11 (3) Pursuant to the administrative procedures act of 1969,
12 Act No. 306 of the Public Acts of 1969, ~~as amended,~~ being sec-
13 tions 24.201 to 24.328 of the Michigan Compiled Laws, the parole
14 board may promulgate rules not inconsistent with this act with
15 respect to conditions to be imposed upon prisoners paroled under
16 this act.

17 (4) THE PROVISIONS OF THIS SECTION REGARDING PRISONERS
18 SUBJECT TO DISCIPLINARY TIME TAKE EFFECT BEGINNING ON THE EFFEC-
19 TIVE DATE OF ACT NO. 217 OF THE PUBLIC ACTS OF 1994, AS PRE-
20 SCRIBED IN ENACTING SECTION 2 OF THAT AMENDATORY ACT.