



# HOUSE BILL No. 4398

February 14, 1995, Introduced by Reps. Hill, Horton, Jersevic, Gustafson, Dobb, DeLange, Bodem, Middleton, Dolan, Voorhees, Kukuk, Green, Galloway and Llewellyn and referred to the Committee on Judiciary and Civil Rights.

A bill 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:

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

5 SEC. 5A. (1) BEGINNING ON THE EFFECTIVE DATE OF THIS SEC-  
6 TION, AN INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY, OR WHO IS  
7 SUBJECT TO ANY PENDING FELONY CHARGES, SHALL NOT BE EMPLOYED BY  
8 OR APPOINTED TO A POSITION IN THE DEPARTMENT, EXCEPT AS PROVIDED  
9 IN SUBSECTION (2).

10 (2) THE DIRECTOR MAY WAIVE THE PROHIBITION IN SUBSECTION (1)  
11 AS TO ANY INDIVIDUAL WHO HAS BEEN CONVICTED OF A FELONY AND WHO  
12 MEETS BOTH OF THE FOLLOWING CONDITIONS:

13 (A) THE DATE OF FINAL RELEASE FROM INCARCERATION, THE DATE  
14 OF FINAL RELEASE FROM PROBATION, OR THE DATE OF FINAL RELEASE  
15 FROM PAROLE, WHICHEVER IS LATER, OCCURRED NOT LESS THAN 5 YEARS  
16 BEFORE THE DATE ON WHICH THE INDIVIDUAL APPLIES FOR THE APPOINT-  
17 MENT OR EMPLOYMENT, AND THE PERSON IS NOT SUBJECT TO ANY PENDING  
18 FELONY CHARGES.

19 (B) THE DIRECTOR CONDUCTS AN EXTENSIVE AND COMPLETE INVESTI-  
20 GATION OF THE INDIVIDUAL'S BACKGROUND, AND DETERMINES THAT, NOT-  
21 WITHSTANDING THE INDIVIDUAL'S FELONY CONVICTION, THE EMPLOYMENT  
22 OR APPOINTMENT OF THE INDIVIDUAL IS APPROPRIATE. A WRITTEN  
23 REPORT, SIGNED BY THE DIRECTOR, SHALL BE MADE OF EVERY INVESTIGA-  
24 TION UNDER THIS SUBDIVISION THAT RESULTS IN A DETERMINATION THAT  
25 AN INDIVIDUAL'S EMPLOYMENT OR APPOINTMENT IS APPROPRIATE.