



HOUSE BILL No. 4650

March 21, 1995, Introduced by Reps. Gire, Baird, DeHart, LaForge, Harder, Brewer, Brater, Pitoniak, Freeman and Willard and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 36 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. 287 of the Public Acts of 1994, being section 791.236 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 36 of Act No. 232 of the Public Acts of
2 1953, as amended by Act No. 287 of the Public Acts of 1994, being
3 section 791.236 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 36. (1) All paroles shall be ordered by the parole
6 board and shall be signed by the chairperson. Written notice of
7 the order shall be given to the sheriff or other police officer
8 of the municipality or county in which the prisoner was con-
9 victed, and to the sheriff or other local police officer of the
10 municipality or county to which the paroled prisoner is sent.

11 (2) An order of parole may be amended or rescinded at the
12 discretion of the parole board for cause. If a paroled prisoner
13 who is required to register pursuant to the sex offenders regis-
14 tration act, ACT NO. 295 OF THE PUBLIC ACTS OF 1994, BEING
15 SECTIONS 28.721 TO 28.732 OF THE MICHIGAN COMPILED LAWS, will-
16 fully violates that act, the parole board shall rescind the
17 parole. A parole shall not be rescinded unless an interview is
18 conducted by 1 member of the parole board. The purpose of the
19 interview is to consider and act upon information received by the
20 board after the original parole release decision. A rescission
21 interview shall be conducted within 45 days after receiving the
22 new information. At least 10 days before the interview, the
23 parolee shall receive a copy or summary of the new evidence that
24 is the basis for the interview. An amendment to a parole order
25 shall be in writing and is not effective until notice of the
26 amendment is given to the parolee.

1 (3) When an order for parole is issued, the order shall
2 contain the conditions of the parole and shall specifically pro-
3 vide proper means of supervision of the paroled prisoner in
4 accordance with the rules of the ~~bureau of field services~~
5 DEPARTMENT. THE ORDER OF PAROLE SHALL INCLUDE 1 OF THE FOLLOWING
6 LEVELS OF SUPERVISION:

7 (A) MOST RESTRICTIVE, IN WHICH THE PRISONER IS REQUIRED TO
8 HAVE 5 IN-PERSON CONTACTS WITH A PAROLE OFFICER EACH WEEK.

9 (B) LESS RESTRICTIVE, IN WHICH THE PRISONER IS REQUIRED TO
10 HAVE 2 IN-PERSON CONTACTS WITH A PAROLE OFFICER EACH WEEK.

11 (C) LEAST RESTRICTIVE, IN WHICH THE PRISONER IS REQUIRED TO
12 HAVE 1 IN-PERSON CONTACT WITH A PAROLE OFFICER EACH WEEK.

13 (4) The order of parole shall contain a condition to pay
14 restitution to the victim of the prisoner's crime or the victim's
15 estate if the prisoner was ordered to make restitution pursuant
16 to the crime victim's rights act, Act No. 87 of the Public Acts
17 of 1985, being sections 780.751 to 780.834 of the Michigan
18 Compiled Laws, or the code of criminal procedure, Act No. 175 of
19 the Public Acts of 1927, being sections 760.1 to 776.21 of the
20 Michigan Compiled Laws.

21 (5) The order of parole shall contain a condition requiring
22 the parolee to pay a parole supervision fee as prescribed in
23 section 36a.

24 (6) The order of parole shall contain a condition requiring
25 the parolee to pay any assessment the prisoner was ordered to pay
26 pursuant to section 5 of Act No. 196 of the Public Acts of 1989,
27 being section 780.905 of the Michigan Compiled Laws.

1 (7) If the parolee is required to be registered under ~~the~~
2 ~~sex offenders registration act~~ ACT NO. 295 OF THE PUBLIC ACTS OF
3 1994, the order of parole shall contain a condition requiring the
4 parolee to comply with that act.

5 (8) An order of parole issued for a prisoner subject to dis-
6 ciplinary time shall contain a condition requiring the parolee to
7 be housed in a community corrections center or a community resi-
8 dential home for not less than the first 30 days but not more
9 than the first 180 days of his or her term of parole. As used in
10 this subsection, "community corrections center" and "community
11 residential home" mean those terms as defined in section 65a.

12 This subsection applies beginning on the ~~date that sentencing~~
13 ~~guidelines are enacted into law after the sentencing commission~~
14 ~~submits its report to the secretary of the senate and the clerk~~
15 ~~of the house of representatives pursuant to sections 31 to 34 of~~
16 ~~chapter IX of the code of criminal procedure, Act No. 175 of the~~
17 ~~Public Acts of 1927, as added by the amendatory act resulting~~
18 ~~from Enrolled House Bill No. 4782 of the 87th Legislature~~
19 EFFECTIVE DATE OF ACT NO. 217 OF THE PUBLIC ACTS OF 1994, AS PRE-
20 SCRIBED IN ENACTING SECTION 2 OF THAT AMENDATORY ACT.

21 (9) In each case in which payment of restitution is ordered
22 as a condition of parole, a parole officer assigned to a case
23 shall review the case not less than twice yearly to ensure that
24 restitution is being paid as ordered. The final review shall be
25 conducted not less than 60 days before the expiration of the
26 parole period. If the parole officer determines that restitution
27 is not being paid as ordered, the parole officer shall file a

1 written report of the violation with the parole board on a form
2 prescribed by the parole board. The report shall include a
3 statement of the amount of arrearage and any reasons for the
4 arrearage known by the parole officer. The parole board shall
5 immediately provide a copy of the report to the court, the prose-
6 cuting attorney, and the victim.

7 (10) If a parolee is required to register pursuant to ~~the~~
8 ~~sex offenders registration act~~ ACT NO. 295 OF THE PUBLIC ACTS OF
9 1994, the parole officer shall register the parolee as provided
10 in that act.