



HOUSE BILL No. 5682

March 13, 1996, Introduced by Reps. Curtis, Harder, Cherry, Olshove, Willard, Baade, DeHart, Freeman, Wetters, Cropsey, Lowe, Mathieu, Gagliardi, DeMars, Hanley, Pitoniak, Anthony and Gire and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 65a and 65h 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 65a as amended by Act No. 217 of the Public Acts of 1994 and section 65h as amended by Act No. 353 of the Public Acts of

1990, being sections 791.265a and 791.265h of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 65a and 65h of Act No. 232 of the
2 Public Acts of 1953, section 65a as amended by Act No. 217 of the
3 Public Acts of 1994 and section 65h as amended by Act No. 353 of
4 the Public Acts of 1990, being sections 791.265a and 791.265h of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 65a. (1) Under prescribed conditions, the director may
7 extend the limits of confinement of a prisoner when there is rea-
8 sonable assurance, after consideration of all facts and circum-
9 stances, that the prisoner will not become a menace to society or
10 to the public safety, by authorizing the prisoner to do any of
11 the following:

12 (a) Visit a specifically designated place or places. An
13 extension of limits may be granted only to a prisoner housed in a
14 state correctional facility to permit a visit to a critically ill
15 relative, attendance at the funeral of a relative, or contacting
16 prospective employers. The maximum amount of time a prisoner is
17 eligible for an extension of the limits of confinement under this
18 subdivision shall not exceed a cumulative total period of 30
19 days.

20 (b) Obtain medical services not otherwise available to a
21 prisoner housed in a state correctional facility.

22 (c) Work at paid employment, participate in a training or
23 educational program, or participate in a community residential
24 drug treatment program while continuing as a prisoner housed on a

1 voluntary basis at a community corrections center or in a
2 community residential home.

3 (2) The director shall promulgate rules to implement this
4 section.

5 (3) The willful failure of a prisoner to remain within the
6 extended limits of his or her confinement or to return within the
7 time prescribed to an institution or facility designated by the
8 director shall be considered an escape from custody as provided
9 in section 193 of the Michigan penal code, Act No. 328 of the
10 Public Acts of 1931, as amended, being section 750.193 of the
11 Michigan Compiled Laws.

12 (4) A prisoner ~~, other than a prisoner subject to disci-~~
13 ~~plinary time,~~ who is convicted of a crime of violence or any
14 assaultive crime SHALL NOT BE PLACED IN A COMMUNITY RESIDENTIAL
15 HOME UNDER SUBSECTION (1)(C) DURING ANY PORTION OF HIS OR HER
16 SENTENCE AND is not eligible for ~~the extensions~~ ANY OTHER
17 EXTENSION of the limits of confinement provided in subsection (1)
18 until the minimum sentence imposed for the crime has less than
19 180 days remaining. A prisoner subject to disciplinary time
20 SHALL NOT BE PLACED IN A COMMUNITY RESIDENTIAL HOME UNDER SUBSEC-
21 TION (1)(C) DURING ANY PORTION OF HIS OR HER SENTENCE AND is not
22 eligible for ~~the extensions~~ ANY OTHER EXTENSION of the limits
23 of confinement provided in subsection (1) until he or she has
24 served the minimum sentence imposed for the crime plus any disci-
25 plinary time. However, if the reason for the extension is to
26 visit a critically ill relative, attend the funeral of a
27 relative, or obtain medical services not otherwise available, the

1 director may allow the extension under escort as provided in
2 subsection (1).

3 (5) A prisoner serving a sentence for murder in the first
4 degree is not eligible for the extensions of confinement under
5 this section until a parole release date is established by the
6 parole board and in no case before serving 15 calendar years with
7 a good institutional adjustment.

8 (6) THE PROVISIONS OF THIS SECTION REGARDING PRISONERS
9 SUBJECT TO DISCIPLINARY TIME TAKE EFFECT BEGINNING ON THE EFFEC-
10 TIVE DATE OF ACT NO. 217 OF THE PUBLIC ACTS OF 1994, AS PRE-
11 SCRIBED IN ENACTING SECTION 2 OF THAT AMENDATORY ACT.

12 (7) ~~-(6)-~~ As used in this section:

13 (a) "Community corrections center" means a facility either
14 contracted for or operated by the department in which a security
15 staff is on duty 7 days per week, 24 hours per day.

16 (b) "Community residential home" means a facility where
17 electronic monitoring of prisoner presence is provided by the
18 department 7 days per week, 24 hours per day, except that the
19 department may waive the requirement that electronic monitoring
20 be provided as to any prisoner who is within 3 months of his or
21 her parole date.

22 (c) "State correctional facility" means a facility owned or
23 leased by the department. State correctional facility does not
24 include a community corrections center or community residential
25 home.

26 Sec. 65h. (1) A prisoner who does not meet the community
27 status criteria shall not be placed in a community corrections

1 center or community residential home. The community status
2 criteria include all of the following requirements:

3 (a) The prisoner has been given a level I security classifi-
4 cation by the department's bureau of correctional facilities, on
5 a scale of 6 levels in which level I is the least restrictive
6 level.

7 (b) The prisoner is not serving a sentence for conviction of
8 a crime of escape under section 193 of the Michigan penal code,
9 Act No. 328 of the Public Acts of 1931, being section 750.193 of
10 the Michigan Compiled Laws.

11 (c) The prisoner is not serving a sentence for conviction of
12 a criminal sexual conduct offense listed in section 2a(1) of
13 chapter IX of the code of criminal procedure, Act No. 175 of the
14 Public Acts of 1927, being section 769.2a of the Michigan
15 Compiled Laws.

16 (D) IN THE CASE OF PLACEMENT IN A COMMUNITY RESIDENTIAL
17 HOME, THE PRISONER IS NOT SERVING A SENTENCE FOR CONVICTION OF A
18 CRIME OF VIOLENCE OR AN ASSAULTIVE CRIME.

19 (E) ~~(d)~~ The prisoner is not classified as a very high
20 assault risk according to the department's risk screening
21 criteria.

22 (F) ~~(e)~~ The prisoner does not have any pending felony
23 charges against him or her, and is not subject to a detainer
24 request from another jurisdiction by which the prisoner, upon his
25 or her release, would be returned to that other jurisdiction to
26 begin serving another felony sentence.

1 (G) ~~(F)~~ The prisoner has not been given a special
2 designation by the department ~~which~~ THAT would prevent his or
3 her placement.

4 (H) ~~(G)~~ If the prisoner IS TO BE PLACED IN A COMMUNITY
5 CORRECTIONS CENTER AND is serving a sentence for conviction of a
6 crime of violence or an assaultive crime, as defined by rules of
7 the department, the prisoner has less than 180 days remaining on
8 his or her minimum sentence, and otherwise meets the community
9 placement requirements of section 65a.

10 (I) ~~(H)~~ If the prisoner is not subject to the 180-day rule
11 described in subdivision ~~(G)~~ (H), the prisoner is being placed
12 no earlier in that prisoner's sentence than is allowed by the
13 administrative rules of the department.

14 (2) Except as provided in subsections (3) and (4), a pris-
15 oner who is placed in a community corrections center shall be
16 placed in a center that is located in 1 of the following:

17 (a) The county of the prisoner's most recent residence as
18 listed on the prisoner's presentence report.

19 (b) A county in which the prisoner's spouse, parent, grand-
20 parent, brother, sister, or child resides.

21 (3) Subsection (2) does not prohibit the department from
22 operating a community corrections center that serves more than 1
23 county. Any prisoner placed in such a center shall meet the con-
24 ditions of subsection (2)(a) or (b) of the counties the center
25 serves.

26 (4) Notwithstanding subsection (2), not more than 10% of the
27 prisoner population of any community corrections center, at any 1

1 time, may consist of prisoners who would not be placed in that
2 community corrections center according to the provisions of
3 subsection (2).

4 (5) The department shall establish a curfew for every pris-
5 oner placed in a community corrections center.

6 (6) Random checks shall be conducted for all prisoners who
7 are allowed off the premises of the community corrections center
8 for purposes of employment, seeking employment, attending school,
9 receiving treatment, or for any other approved reason. The
10 random checks shall be for the purpose of verifying that each
11 prisoner allowed off the premises is participating as scheduled
12 in the function for which he or she is allowed off the premises.