



SENTENCING; DISCIPLINARY TIME

House Bills 5397 and 5398
Sponsor: Rep. A. T. Frank
Committee: Corrections

Complete to 5-5-98

A REVISED SUMMARY OF HOUSE BILLS 5397 AND 5398 AS INTRODUCED 12-3-97

House Bills 5397 and 5398 would expand the use of disciplinary time (a method of punishment inside prisons), and would sever the connection between two related policy concepts: disciplinary time and sentencing guidelines. The bills are tie-barred.

Specifically, House Bill 5397 would amend the prison code (MCL 800.34) to specify that all prisoners sentenced to the jurisdiction of the Department of Corrections would be subject to receive disciplinary time for each major misconduct violation, and that accumulated disciplinary time would be added to all prisoners' minimum sentences. Currently, certain serious offenses (not all) make a convicted defendant subject to disciplinary time; those offenses are listed below. Under House Bill 5397, references to these specific offenses would be eliminated. Further, the bill would repeal two enacting sections of the truth-in-sentencing laws (Public Acts 217 and 218 of 1994). Both sections that would be eliminated specify that "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."

House Bill 5398 would amend the Department of Corrections act (MCL 791.201 et al.) to revise the effective dates of the disciplinary time provisions in four separate sections of the act. Those sections govern parole eligibility (MCL 791.234), special alternative incarceration units (791.234a), parole orders (MCL 791.236), and extensions of limits of confinement for prisoners subject to disciplinary time (MCL 791.265a). In each instance, House Bill 5398 would delete language that ties the effective date of the provision to the date that sentencing guidelines are enacted into law by the legislature.

(The listed offenses that subject a prisoner to disciplinary time are: drunk driving or drunk boating that caused a death or long-term incapacitating injury, burning a dwelling house or other real property, willfully setting fires to mines and mining materials, felonious assault, assault with intent to murder, assault with intent to do great bodily harm other than murder, assault with intent to maim; assault with intent to commit a felony; and armed or unarmed assault with intent to rob or steal; sexual intercourse under pretext of treatment; first-degree home invasion; first-degree child abuse or involvement in child pornography; burglary with explosives; sending explosives with intent to injure; sending a device represented as an explosive; placing explosives with intent to destroy, although with no resulting damage; intimidation or harassment by a device represented as explosive; placing explosives with intent to destroy and causing damage to property or injury to any person; aiding and abetting in placing explosives; possessing a bomb with unlawful intent; manufacture of explosives with intent to use unlawfully; and making or possessing an incendiary device or devices designed to explode upon impact; malicious threats to extort money; first- or

second-degree murder; inflicting a fatal wound in a duel; manslaughter; willful killing of an unborn quick child; causing a death due to explosives; and causing a death with a firearm pointed intentionally but without malice; kidnaping; hostage-taking by a prisoner; and kidnaping a child under age 14; larceny from a person; mayhem; aggravated stalking; disarming a police officer; first-, second-, third-, or fourth-degree criminal sexual conduct and assault with intent to commit criminal sexual conduct; armed robbery; unarmed robbery, and robbery of a bank, safe, or vault; car jacking; felonious driving; riot, incitement to riot, and prison riot; any offense not otherwise listed that was punishable by life imprisonment; and, any attempt, conspiracy, or solicitation to commit any of the listed offenses.)

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