

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4515**

A bill to amend 1953 PA 232, entitled

"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 allow for the operation of certain facilities by private entities; 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,"

by amending section 33 (MCL 791.233), as amended by 1994 PA 217.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

19 (c) Except as provided in section 34a, and notwithstanding
20 the provisions of subdivision (b), a parole shall not be granted
21 to a prisoner other than a prisoner subject to disciplinary time
22 sentenced for the commission of a crime described in
23 section 33b(a) to (cc) until the prisoner has served the minimum
24 term imposed by the court less an allowance for disciplinary
25 credits as provided in section 33(5) of ~~Act No. 118 of the~~
26 ~~Public Acts of 1893, being section 800.33 of the Michigan~~

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1 ~~Compiled Laws~~ 1893 PA 118, MCL 800.33. A prisoner described in
2 this subdivision is not eligible for special parole.

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

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

15 (F) A PRISONER WHOSE MINIMUM TERM OF IMPRISONMENT IS 2 YEARS
16 OR MORE SHALL NOT BE RELEASED ON PAROLE UNLESS HE OR SHE HAS
17 EITHER EARNED A HIGH SCHOOL DIPLOMA OR EARNED ITS EQUIVALENT IN
18 THE FORM OF A GENERAL EDUCATION DEVELOPMENT (GED) CERTIFICATE.
19 THE DIRECTOR OF THE DEPARTMENT MAY WAIVE THE RESTRICTION IMPOSED
20 BY THIS SUBDIVISION AS TO ANY PRISONER WHO IS OVER THE AGE OF 65
21 OR WHO WAS GAINFULLY EMPLOYED IMMEDIATELY BEFORE COMMITTING THE
22 CRIME FOR WHICH HE OR SHE WAS INCARCERATED. THE DEPARTMENT OF
23 CORRECTIONS MAY ALSO WAIVE THE RESTRICTION IMPOSED BY THIS SUBDI-
24 VISION AS TO ANY PRISONER WHO HAS A LEARNING DISABILITY, WHO DOES
25 NOT HAVE THE NECESSARY PROFICIENCY IN ENGLISH, OR WHO FOR SOME
26 OTHER REASON THAT IS NOT THE FAULT OF THE PRISONER IS UNABLE TO
27 SUCCESSFULLY COMPLETE THE REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA

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1 OR A GENERAL EDUCATION DEVELOPMENT CERTIFICATE. IF THE PRISONER
2 DOES NOT HAVE THE NECESSARY PROFICIENCY IN ENGLISH, THE DEPART-
3 MENT OF CORRECTIONS SHALL PROVIDE ENGLISH LANGUAGE TRAINING FOR
4 THAT PRISONER NECESSARY FOR THE PRISONER TO BEGIN WORKING TOWARD
5 THE COMPLETION OF THE REQUIREMENTS FOR A GENERAL EDUCATION DEVEL-
6 OPMENT CERTIFICATE. THIS SUBDIVISION APPLIES TO PRISONERS SEN-
7 TENCED FOR CRIMES COMMITTED AFTER DECEMBER 15, 1998. IN PROVID-
8 ING AN EDUCATIONAL PROGRAM LEADING TO A HIGH SCHOOL DEGREE OR
9 GENERAL EDUCATION DEVELOPMENT CERTIFICATE, THE DEPARTMENT SHALL
10 GIVE PRIORITY TO PRISONERS SENTENCED FOR CRIMES COMMITTED ON OR
11 BEFORE DECEMBER 15, 1998.

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

16 (3) Pursuant to the administrative procedures act of 1969,
17 ~~Act No. 306 of the Public Acts of 1969, as amended, being sec-~~
18 ~~tions 24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA
19 306, MCL 24.201 TO 24.328, the parole board may promulgate rules
20 not inconsistent with this act with respect to conditions to be
21 imposed upon prisoners paroled under this act.

22 Enacting section 1. This amendatory act takes effect
23 December 15, 1998.

24 Enacting section 2. This amendatory act does not take
25 effect unless all of the following bills of the 89th Legislature
26 are enacted into law:

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- 1 (a) Senate Bill No. 826.
- 2 (b) House Bill No. 4065.
- 3 (c) House Bill No. 4444.
- 4 (d) House Bill No. 4445.
- 5 (e) House Bill No. 4446.
- 6 (f) House Bill No. 5398.
- 7 (g) House Bill No. 5419.
- 8 (h) House Bill No. 5876.