

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 826

A bill to amend 1893 PA 118, entitled

"An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,"

by amending sections 34 and 35 (MCL 800.34 and 800.35), section 34 as amended by 1996 PA 83 and section 35 as added by 1994 PA 218; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) A prisoner subject to disciplinary time shall
2 receive disciplinary time for each major misconduct for which he
3 or she is found guilty as prescribed by rule pursuant to
4 section 35.

5 (2) Accumulated disciplinary time shall be ~~added to a~~
6 ~~prisoner's minimum sentence in order to determine his or her~~
7 ~~parole eligibility date~~ SUBMITTED TO THE PAROLE BOARD FOR THE

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1 PAROLE BOARD'S CONSIDERATION AT THE PRISONER'S PAROLE REVIEW OR
2 INTERVIEW. A prisoner's minimum sentence, plus disciplinary
3 time, shall not exceed his or her maximum sentence.

4 (3) A prisoner who has been sentenced concurrently for sepa-
5 rate convictions shall have his or her disciplinary time
6 ~~computed and accumulated~~ CONSIDERED BY THE PAROLE BOARD on each
7 sentence individually. If a prisoner is serving consecutive sen-
8 tences for separate convictions, his or her disciplinary time
9 shall be ~~computed and accumulated~~ CONSIDERED BY THE PAROLE
10 BOARD on each sentence individually.

11 (4) A prisoner subject to disciplinary time may have any or
12 all of his or her accumulated disciplinary time reduced by the
13 department if he or she has demonstrated exemplary good conduct
14 during the term of imprisonment. Disciplinary time deducted pur-
15 suant to this section may be restored if the prisoner is found
16 guilty of a major misconduct.

17 (5) As used in this act, "prisoner subject to disciplinary
18 time" ~~means a~~ INCLUDES BOTH OF THE FOLLOWING:

19 (A) A prisoner sentenced ~~on or after the effective date of~~
20 ~~the amendatory act that added this section~~ to an indeterminate
21 term of imprisonment for any of the following CRIMES COMMITTED ON
22 OR AFTER [DECEMBER 15, 1998]:

23 (i) ~~(a)~~ A violation of section 625(4) or (5) of the
24 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~
25 ~~being section 257.625 of the Michigan Compiled Laws~~ 1949 PA 300,
26 MCL 257.625.

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1 (ii) ~~(b)~~ A violation of section 80176(4) or (5) of part
2 801 (marine safety) of the natural resources and environmental
3 protection act, ~~Act No. 451 of the Public Acts of 1994, being~~
4 ~~section 324.80176 of the Michigan Compiled Laws~~ 1994 PA 451, MCL
5 324.80176.

6 (iii) ~~(c)~~ A violation of section 72, 73, 80, 82, 83, 84,
7 86, 87, 88, 89, 90, 110a(2), 112, 136b(2), 145c, 204, 204a, 205,
8 205a, 206, 207, 208, 210, 211, 211a, 213, 316, 317, 319, 321,
9 322, 327, 328, 329, 349, 349a, 350, 357, 397, 411i, 479b, 520b,
10 520c, 520d, 520e, 520g, 529, 529a, 530, or 531 of the Michigan
11 penal code, ~~Act No. 328 of the Public Acts of 1931, being~~
12 ~~sections~~ 1931 PA 328, MCL 750.72, 750.73, 750.80, 750.82,
13 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.90, 750.110a,
14 750.112, 750.136b, 750.145c, 750.204, 750.204a, 750.205,
15 750.205a, 750.206, 750.207, 750.208, 750.210, 750.211, 750.211a,
16 750.213, 750.316, 750.317, 750.319, 750.321, 750.322, 750.327,
17 750.328, 750.329, 750.349, 750.349a, 750.350, 750.357, 750.397,
18 750.411i, 750.479b, 750.520b, 750.520c, 750.520d, 750.520e,
19 750.520g, 750.529, 750.529a, 750.530, and 750.531. ~~of the~~
20 ~~Michigan Compiled Laws.~~

21 (iv) ~~(d)~~ A violation of section 1 of ~~Act No. 214 of the~~
22 ~~Public Acts of 1931, being section 752.191 of the Michigan~~
23 ~~Compiled Laws~~ 1931 PA 214, MCL 752.191.

24 (v) ~~(e)~~ A violation of section 1, 2, or 2a of ~~Act No. 302~~
25 ~~of the Public Acts of 1968, being sections 752.541, 752.542, and~~
26 ~~752.542a of the Michigan Compiled Laws~~ 1968 PA 302, MCL 752.541,
27 752.542, AND 752.542A.

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1 (vi) ~~(f)~~ Any offense not listed in ~~subdivisions (a) to~~
2 ~~(e)~~ SUBPARAGRAPHS (i) TO (v) that is punishable by life
3 imprisonment.

4 (vii) ~~(g)~~ An attempt, conspiracy, or solicitation to
5 commit an offense described in ~~subdivisions (a) to (f)~~
6 SUBPARAGRAPHS (i) TO (vi).

7 (B) A PRISONER SENTENCED TO AN INDETERMINATE TERM OF IMPRIS-
8 ONMENT FOR ANY CRIME NOT LISTED IN SUBDIVISION (A), IF THAT CRIME
9 WAS COMMITTED ON OR AFTER [DECEMBER 15], 2000.

10 Sec. 35. The department shall promulgate rules prescribing
11 the amount of disciplinary time to be ~~received by prisoners~~
12 ~~subject to disciplinary time~~ SUBMITTED TO THE PAROLE BOARD FOR
13 THE PAROLE BOARD'S CONSIDERATION for each type of major miscon-
14 duct for which ~~he or she~~ A PRISONER SUBJECT TO DISCIPLINARY
15 TIME is found guilty. The rules shall be promulgated pursuant to
16 the administrative procedures act of 1969, ~~Act No. 306 of the~~
17 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~
18 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

19 Enacting section 1. The following acts and parts of acts
20 are repealed:

21 (a) Enacting section 2 of 1994 PA 217.

22 (b) Enacting section 2 of 1994 PA 218.

23 Enacting section 2. This amendatory act takes effect
24 [December 15, 1998].

25 Enacting section 3. This amendatory act does not take
26 effect unless all of the following bills of the 89th Legislature
27 are enacted into law:

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- 1 (a) House Bill No. 4065.
- 2 (b) House Bill No. 4444.
- 3 (c) House Bill No. 4445.
- 4 (d) House Bill No. 4446.
- 5 (e) House Bill No. 4515.
- 6 (f) House Bill No. 5398.
- 7 (g) House Bill No. 5419.
- 8 (h) [House Bill No. 5876.]
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