

**SENATE BILL NO. 997**

(Act title updated April 30, 1998)

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 34 (MCL 791.234), section 34 as amended by 1994 PA 345.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 34. (1) Except as provided in section 34a, a prisoner  
2 sentenced to an indeterminate sentence and confined in a state  
3 correctional facility with a minimum in terms of years other than  
4 a prisoner subject to disciplinary time is subject to the juris-  
5 diction of the parole board when the prisoner has served a period  
6 of time equal to the minimum sentence imposed by the court for  
7 the crime of which he or she was convicted, less good time and  
8 disciplinary credits, if applicable.

9           (2) Except as provided in section 34a, a prisoner subject to  
10 disciplinary time sentenced to an indeterminate sentence and con-  
11 fined in a state correctional facility with a minimum in terms of  
12 years is subject to the jurisdiction of the parole board when the  
13 prisoner has served a period of time equal to the minimum sen-  
14 tence imposed by the court for the crime of which he or she was  
15 convicted, plus any disciplinary time accumulated pursuant to  
16 section 34 of ~~Act No. 118 of the Public Acts of 1893, being sec-~~  
17 ~~tion 800.34 of the Michigan Compiled Laws 1893 PA 118, MCL~~  
18 800.34.

19           (3) If a prisoner other than a prisoner subject to disci-  
20 plinary time is sentenced for consecutive terms, whether received  
21 at the same time or at any time during the life of the original  
22 sentence, the parole board has jurisdiction over the prisoner for  
23 purposes of parole when the prisoner has served the total time of  
24 the added minimum terms, less the good time and disciplinary  
25 credits allowed by statute. The maximum terms of the sentences  
26 shall be added to compute the new maximum term under this

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1 subsection, and discharge shall be issued only after the total of  
2 the maximum sentences has been served less good time and disci-  
3 plinary credits, unless the prisoner is paroled and discharged  
4 upon satisfactory completion of the parole.

5 (4) If a prisoner subject to disciplinary time is sentenced  
6 for consecutive terms, whether received at the same time or at  
7 any time during the life of the original sentence, the parole  
8 board has jurisdiction over the prisoner for purposes of parole  
9 when the prisoner has served the total time of the added minimum  
10 terms, plus any disciplinary time. The maximum terms of the sen-  
11 tences shall be added to compute the new maximum term under this  
12 subsection, and discharge shall be issued only after the total of  
13 the maximum sentences has been served, unless the prisoner is  
14 paroled and discharged upon satisfactory completion of the  
15 parole.

16 (5) If a prisoner other than a prisoner subject to disci-  
17 plinary time has 1 or more consecutive terms remaining to serve  
18 in addition to the term he or she is serving, the parole board  
19 may terminate the sentence the prisoner is presently serving at  
20 any time after the minimum term of the sentence has been served.

21 (6) ~~A~~ A prisoner  
22 ~~under sentence~~ SENTENCED TO IMPRISONMENT for life or ~~for~~ TO a  
23 term of years, other than a prisoner sentenced for life for  
24 murder in the first degree or sentenced for life or for a minimum  
25 term of imprisonment for a major controlled substance offense, OR  
26 SENTENCED FOR LIFE FOR A VIOLATION OF SECTIONS 204(2)(E), 207(2)(E),  
209(1)(E), 210(2)(E), OR 211A(1)(E) OF THE MICHIGAN PENAL CODE, 1931  
27 PA 328, MCL 750.204, 750.207, 750.209, 750.210, AND 750.211A,  
who has served 10 calendar years of the sentence in the case of a  
prisoner sentenced for a crime committed before October 1, 1992,

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1 or who has served 15 calendar years of the sentence in the case  
2 of a prisoner sentenced for a crime committed on or after  
3 October 1, 1992, is subject to the jurisdiction of the parole  
4 board and may be released on parole by the parole board, subject  
5 to the following conditions:

6 (a) One member of the parole board shall interview the pris-  
7 oner at the conclusion of 10 calendar years of the sentence and  
8 every 5 years thereafter until ~~such time as~~ the prisoner is  
9 paroled, discharged, or deceased. The interview schedule pre-  
10 scribed in this subdivision applies to all prisoners to whom this  
11 subsection is applicable, ~~whether~~ REGARDLESS OF WHEN THE PRIS-  
12 ONER WAS sentenced. ~~before, on, or after the effective date of~~  
13 ~~the 1992 amendatory act that amended this subdivision.~~

14 (b) A parole shall not be granted a prisoner so sentenced  
15 until after a public hearing held in the manner prescribed for  
16 pardons and commutations in sections 44(2)(f) to (h) and 45.  
17 Notice of the public hearing shall be given to the sentencing  
18 judge, or the judge's successor in office, and parole shall not  
19 be granted if the sentencing judge, or the judge's successor in  
20 office, files written objections to the granting of the parole  
21 within 30 days of receipt of the notice of hearing. The written  
22 objections shall be made part of the prisoner's file.

23 (c) A parole granted under this subsection shall be for a  
24 period of not less than 4 years and subject to the usual rules  
25 pertaining to paroles granted by the parole board. A parole  
26 ordered under this subsection is not valid until the transcript  
27 of the record is filed with the attorney general whose

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1 certification of receipt of the transcript shall be returnable to  
2 the office of the parole board within 5 days. Except for medical  
3 records protected under section 2157 of the revised judicature  
4 act of 1961, ~~Act No. 236 of the Public Acts of 1961, being sec-~~  
5 ~~tion 600.2157 of the Michigan Compiled Laws~~ 1961 PA 236, MCL  
6 600.2157, the file of a prisoner granted a parole under this sub-  
7 section is a public record.

8 (d) A parole shall not be granted under this subsection in  
9 the case of a prisoner who is otherwise prohibited by law from  
10 parole consideration. In such cases the interview procedures in  
11 section 44 shall be followed.

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5 (7) Except as provided in section 34a, a prisoner's  
6 release on parole is discretionary with the parole board. The  
7 action of the parole board in granting or denying a parole is  
8 appealable by the prisoner, the prosecutor of the county from  
9 which the prisoner was committed, or the victim of the crime for  
10 which the prisoner was convicted. The appeal shall be to the  
11 circuit court in the county from which the prisoner was commit-  
12 ted, by leave of the court.

13 (8) The provisions of this section regarding prisoners  
14 subject to disciplinary time take effect beginning on the effec-  
15 tive date of ~~Act No. 217 of the Public Acts of 1994~~ 1994 PA  
16 217, as prescribed in enacting section 2 of that amendatory act.

(9) A PRISONER SENTENCED TO IMPRISONMENT FOR LIFE OR FOR A TERM  
OF YEARS FOR A SECOND OR SUBSEQUENT VIOLATION OF SECTION 520B, 520C,  
OR 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B,  
750.520C, AND 750.520D, SHALL NOT BE RELEASED ON PAROLE UNTIL THAT  
PRISONER HAS SERVED THE MINIMUM SENTENCE, IF ANY, INCLUDING ANY  
DISCIPLINARY TIME.

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Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) Senate Bill No. 97.

(b) House Bill No. 4289.