

HOUSE BILL No. 5421

December 9, 1997, Introduced by Rep. Nye and referred to the Committee on Judiciary.

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 section 34 (MCL 800.34), as amended by 1996 PA 83; 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. A prisoner's minimum sentence, plus
8 disciplinary time, shall not exceed his or her maximum sentence.

1 (3) A prisoner who has been sentenced concurrently for
2 separate convictions shall have his or her disciplinary time com-
3 puted and accumulated on each sentence individually. If a pris-
4 oner is serving consecutive sentences for separate convictions,
5 his or her disciplinary time shall be computed and accumulated on
6 each sentence individually.

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

13 (5) As used in this act, "prisoner subject to disciplinary
14 time" means a prisoner sentenced ~~on or after the effective date~~
15 ~~of the amendatory act that added this section~~ UNDER THE SENTENC-
16 ING GUIDELINES SET FORTH IN CHAPTER IXA OF THE CODE OF CRIMINAL
17 PROCEDURE, 1927 PA 175, MCL 769A.1 TO 769A.69, to an indetermi-
18 nate term of imprisonment for any of the following:

19 (a) A violation of section 625(4) or (5) of the Michigan
20 vehicle code, ~~Act No. 300 of the Public Acts of 1949, being~~
21 ~~section 257.625 of the Michigan Compiled Laws~~ 1949 PA 300, MCL
22 257.625.

23 (b) A violation of section 80176(4) or (5) of part 801
24 (marine safety) of the natural resources and environmental pro-
25 tection act, ~~Act No. 451 of the Public Acts of 1994, being sec-~~
26 ~~tion 324.80176 of the Michigan Compiled Laws~~ 1994 PA 451, MCL
27 324.80176.

1 (c) A violation of section 72, 73, 80, 82, 83, 84, 86, 87,
2 88, 89, 90, 110a(2), 112, 136b(2), 145c, 204, 204a, 205, 205a,
3 206, 207, 208, 210, 211, 211a, 213, 316, 317, 319, 321, 322, 327,
4 328, 329, 349, 349a, 350, 357, 397, 411i, 479b, 520b, 520c, 520d,
5 520e, 520g, 529, 529a, 530, or 531 of the Michigan penal code,
6 ~~Act No. 328 of the Public Acts of 1931, being sections 1931 PA~~
7 ~~328, MCL 750.72, 750.73, 750.80, 750.82, 750.83, 750.84, 750.86,~~
8 ~~750.87, 750.88, 750.89, 750.90, 750.110a, 750.112, 750.136b,~~
9 ~~750.145c, 750.204, 750.204a, 750.205, 750.205a, 750.206, 750.207,~~
10 ~~750.208, 750.210, 750.211, 750.211a, 750.213, 750.316, 750.317,~~
11 ~~750.319, 750.321, 750.322, 750.327, 750.328, 750.329, 750.349,~~
12 ~~750.349a, 750.350, 750.357, 750.397, 750.411i, 750.479b,~~
13 ~~750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,~~
14 ~~750.529a, 750.530, and 750.531. of the Michigan Compiled Laws.~~

15 (d) A violation of section 1 of ~~Act No. 214 of the Public~~
16 ~~Acts of 1931, being section 752.191 of the Michigan Compiled~~
17 ~~Laws~~ 1931 PA 214, MCL 752.191.

18 (e) A violation of section 1, 2, or 2a of ~~Act No. 302 of~~
19 ~~the Public Acts of 1968, being sections 752.541, 752.542, and~~
20 ~~752.542a of the Michigan Compiled Laws~~ 1968 PA 302, MCL 752.541,
21 752.542, AND 752.542A.

22 (f) Any offense not listed in subdivisions (a) to (e) that
23 is punishable by life imprisonment.

24 (g) An attempt, conspiracy, or solicitation to commit an
25 offense described in subdivisions (a) to (f).

26 Enacting section 1. The following acts and parts of acts
27 are repealed:

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

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

3 (c) Enacting section 2 of 1996 PA 83.

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

7 (a) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 04075'97).

9 (b) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 04075'97 a).