

**SENATE BILL NO. 331**

February 18, 1999, Introduced by Senators JAYE, GOSCHKA, NORTH  
and KOIVISTO and referred to the Committee on Judiciary.

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 sections 65a and 67a (MCL 791.265a and 791.267a),  
section 65a as amended by 1998 PA 315 and section 67a as added by  
1996 PA 234.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 65a. (1) Under prescribed conditions, the director may  
2 extend the limits of confinement of a prisoner when there is rea-  
3 sonable assurance, after consideration of all facts and circum-  
4 stances, that the prisoner will not become a menace to society or  
5 to the public safety, by authorizing the prisoner to do any of  
6 the following:

7       (a) Visit a specifically designated place or places. An  
8 extension of limits may be granted only to a prisoner housed in a  
9 state correctional facility to permit a visit to a critically ill  
10 relative, attendance at the funeral of a relative, or contacting  
11 prospective employers. The maximum amount of time a prisoner is  
12 eligible for an extension of the limits of confinement under this  
13 subdivision shall not exceed a cumulative total period of 30  
14 days.

15       (b) Obtain medical services not otherwise available to a  
16 prisoner housed in a state correctional facility. HOWEVER, THIS  
17 SUBDIVISION DOES NOT ALLOW A PRISONER TO OBTAIN NONEMERGENCY,  
18 ELECTIVE SURGERY.

19       (c) Work at paid employment, participate in a training or  
20 educational program, or participate in a community residential  
21 drug treatment program while continuing as a prisoner housed on a  
22 voluntary basis at a community corrections center or in a commu-  
23 nity residential home.

24       (2) The director shall promulgate rules to implement this  
25 section.

1       (3) The willful failure of a prisoner to remain within the  
2 extended limits of his or her confinement or to return within the  
3 time prescribed to an institution or facility designated by the  
4 director shall be considered an escape from custody as provided  
5 in section 193 of the Michigan penal code, 1931 PA 328,  
6 MCL 750.193.

7       (4) Subject to subsection (8), a prisoner, other than a  
8 prisoner subject to disciplinary time, who is convicted of a  
9 crime of violence or any assaultive crime is not eligible for the  
10 extensions of the limits of confinement provided in subsection  
11 (1) until the minimum sentence imposed for the crime has less  
12 than 180 days remaining.

13       (5) Subject to subsection (8), a prisoner subject to disci-  
14 plinary time is not eligible for the extensions of the limits of  
15 confinement provided in subsection (1) until he or she has served  
16 the minimum sentence imposed for the crime.

17       (6) However, notwithstanding subsections (4) or (5), if the  
18 reason for the extension is to visit a critically ill relative,  
19 attend the funeral of a relative, or obtain medical services not  
20 otherwise available, the director may allow the extension under  
21 escort as provided in subsection (1).

22       (7) A prisoner serving a sentence for murder in the first  
23 degree is not eligible for the extensions of confinement under  
24 this section until a parole release date is established by the  
25 parole board and in no case before serving 15 calendar years with  
26 a good institutional adjustment.

1       (8) A prisoner who is convicted of a crime of violence or  
2 any assaultive crime, and whose minimum sentence imposed for the  
3 crime is 10 years or more, shall not be placed in a community  
4 residential home during any portion of his or her sentence.

5       (9) As used in this section:

6       (a) "Community corrections center" means a facility either  
7 contracted for or operated by the department in which a security  
8 staff is on duty 7 days per week, 24 hours per day.

9       (b) "Community residential home" means a location where  
10 electronic monitoring of prisoner presence is provided by the  
11 department 7 days per week, 24 hours per day, except that the  
12 department may waive the requirement that electronic monitoring  
13 be provided as to any prisoner who is within 3 months of his or  
14 her parole date.

15       (c) "State correctional facility" means a facility owned or  
16 leased by the department. State correctional facility does not  
17 include a community corrections center or community residential  
18 home.

19       Sec. 67a. (1) A prisoner who receives nonemergency medical,  
20 dental, or optometric services at his or her request is responsi-  
21 ble for a copayment fee to the department for those services, as  
22 determined by the department. If the prisoner is a minor, the  
23 prisoner's parent or guardian is also responsible for a copayment  
24 fee imposed under this section.

25       (2) A prisoner who intentionally injures himself or herself,  
26 and receives emergency medical care for that injury, is

1 responsible for the entire cost of the medical care, rather than  
2 the copayment described in subsection (1).

3       (3) The department shall determine whether those prisoners  
4 who injure themselves intentionally shall be housed in a facility  
5 designed to allow on-site medical treatment of those injuries.

6 ~~Not later than 6 months after the effective date of this sec-~~  
7 ~~tion, the director of the department shall report to the legisla-~~  
8 ~~ture on the feasibility and cost of implementing this~~  
9 ~~subsection.~~

10       (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A PRIS-  
11 ONER HOUSED IN A STATE CORRECTIONAL FACILITY SHALL NOT UNDERGO  
12 NON-EMERGENCY, ELECTIVE SURGERY OF ANY KIND.