

HOUSE BILL No. 4743

May 22, 2003, Introduced by Rep. Wenke and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 36 (MCL 791.236), as amended by 1999 PA 271.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 36. (1) All paroles shall be ordered by the parole
2 board and shall be signed by the chairperson. Written notice of
3 the order shall be given to the sheriff or other police officer
4 of the municipality or county in which the prisoner was
5 convicted, and to the sheriff or other local police officer of
6 the municipality or county to which the paroled prisoner is
7 sent.

8 (2) A parole order may be amended or rescinded at the
9 discretion of the parole board for cause. If a paroled prisoner
10 who is required to register pursuant to the sex offenders
11 registration act, 1994 PA 295, MCL 28.721 to 28.732, willfully

1 violates that act, the parole board shall rescind the parole. If
2 a prisoner convicted of violating or conspiring to violate
3 section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the
4 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is
5 released on parole and violates or conspires to violate article 7
6 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7545,
7 and that violation or conspiracy to violate is punishable by
8 imprisonment for 4 or more years, or commits a violent felony
9 during his or her release on parole, parole shall be ~~revoked~~
10 **rescinded**.

11 (3) A parole shall not be rescinded unless an interview is
12 conducted by 1 member of the parole board. The purpose of the
13 interview is to consider and act upon information received by the
14 board after the original parole release decision. A rescission
15 interview shall be conducted within 45 days after receiving the
16 new information. At least 10 days before the interview, the
17 parolee shall receive a copy or summary of the new evidence that
18 is the basis for the interview. An amendment to a parole order
19 shall be in writing and is not effective until notice of the
20 amendment is given to the parolee.

21 (4) When a parole order is issued, the order shall contain
22 the conditions of the parole and shall specifically provide
23 proper means of supervision of the paroled prisoner in accordance
24 with the rules of the bureau of field services.

25 (5) The parole order shall contain a condition to pay
26 restitution to the victim of the prisoner's crime or the victim's
27 estate if the prisoner was ordered to make restitution pursuant

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1 to the crime victim's rights act, 1985 PA 87, MCL 780.751 to
2 780.834, or the code of criminal procedure, 1927 PA 175,
3 MCL 760.1 to ~~776.22~~ **777.69**.

4 (6) The parole order shall contain a condition requiring the
5 parolee to pay a parole supervision fee as prescribed in
6 section 36a.

7 (7) The parole order shall contain a condition requiring the
8 parolee to pay any assessment the prisoner was ordered to pay
9 pursuant to section 5 of 1989 PA 196, MCL 780.905.

10 **(8) The parole order shall contain a condition requiring the**
11 **parolee to pay the minimum state cost prescribed by section 1j of**
12 **chapter IX of the code of criminal procedure, 1927 PA 175, MCL**
13 **769.1j****[, if the minimum state cost has not been paid].**

14 **(9)** ~~-(8)-~~ If the parolee is required to be registered under
15 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
16 28.732, the parole order shall contain a condition requiring the
17 parolee to comply with that act.

18 **(10)** ~~-(9)-~~ If a prisoner convicted of violating or conspiring
19 to violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii)
20 of the public health code, 1978 PA 368, MCL 333.7401 and
21 333.7403, is released on parole, the parole order shall contain a
22 notice that if the parolee violates or conspires to violate
23 article 7 of the public health code, 1978 PA 368, MCL 333.7401 to
24 333.7545, and that violation or conspiracy to violate is
25 punishable by imprisonment for 4 or more years, or commits a
26 violent felony during his or her release on parole, parole shall
27 be ~~revoked~~ **rescinded**.

1 **(11)** ~~—(10)—~~ A parole order issued for a prisoner subject to
2 disciplinary time may contain a condition requiring the parolee
3 to be housed in a community corrections center or a community
4 residential home for not less than the first 30 days but not more
5 than the first 180 days of his or her term of parole. As used in
6 this subsection, "community corrections center" and "community
7 residential home" mean those terms as defined in section 65a.

8 **(12)** ~~—(11)—~~ The parole order shall contain a condition
9 requiring the parolee to pay the following amounts owed by the
10 prisoner, if applicable:

11 (a) The balance of filing fees and costs ordered to be paid
12 under section 2963 of the revised judicature act of 1961, 1961
13 PA 236, MCL 600.2963.

14 (b) The balance of any filing fee ordered to be paid by a
15 federal court under section 1915 of title 28 of the United States
16 Code, 28 U.S.C. 1915 and any unpaid order of costs assessed
17 against the prisoner.

18 **(13)** ~~—(12)—~~ In each case in which payment of restitution is
19 ordered as a condition of parole, a parole officer assigned to a
20 case shall review the case not less than twice yearly to ensure
21 that restitution is being paid as ordered. The final review
22 shall be conducted not less than 60 days before the expiration of
23 the parole period. If the parole officer determines that
24 restitution is not being paid as ordered, the parole officer
25 shall file a written report of the violation with the parole
26 board on a form prescribed by the parole board. The report shall
27 include a statement of the amount of arrearage and any reasons

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1 for the arrearage known by the parole officer. The parole board
2 shall immediately provide a copy of the report to the court, the
3 prosecuting attorney, and the victim.

4 **(14)** ~~—(13)—~~ If a parolee is required to register pursuant to
5 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
6 28.732, the parole officer shall register the parolee as provided
7 in that act.

8 **(15)** ~~—(14)—~~ If the parole order contains a condition intended
9 to protect 1 or more named persons, the department shall enter
10 those provisions of the parole order into the corrections
11 management information system, accessible by the law enforcement
12 information network. If the parole board **[revokes rescinds]** a parole
order
13 described in this subsection, the department within 3 business
14 days shall remove from the corrections management information
15 system the provisions of that parole order.

16 **(16)** ~~—(15)—~~ As used in this section, "violent felony" means
17 an offense against a person in violation of section 82, 83, 84,
18 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c,
19 520d, 520e, 520g, 529, 529a, or 530 of the Michigan penal code,
20 1931 PA 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88,
21 750.89, 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350,
22 750.397, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g,
23 750.529, 750.529a, and 750.530.

24 Enacting section 1. This amendatory act takes effect
25 October 1, 2003.