

# HOUSE BILL No. 4498

April 1, 2003, Introduced by Reps. Amos, Pastor, LaJoy, Vander Veen, Pappageorge, Voorhees, Acciavatti, Drolet, Brandenburg, Casperson, Garfield, Steil, Ward, Gaffney, Ruth Johnson, Shaffer, DeRoche, Hune, Woronchak, Pumford, Vagnozzi, Bisbee and Wenke and referred to the Committee on Criminal Justice.

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8       (2) A parole order may be amended or rescinded at the  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10 (3) A parole shall not be rescinded unless an interview is  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

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

24 (5) The parole order shall contain a condition to pay  
25 restitution to the victim of the prisoner's crime or the victim's  
26 estate if the prisoner was ordered to make restitution pursuant  
27 to the crime victim's rights act, 1985 PA 87, MCL 780.751 to

1 780.834, or the code of criminal procedure, 1927 PA 175,  
2 MCL 760.1 to ~~776.22~~ **777.69**.

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

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

9 (8) If the parolee is required to be registered under the sex  
10 offenders registration act, 1994 PA 295, MCL 28.721 to 28.732,  
11 the parole order shall contain a condition requiring the parolee  
12 to comply with that act.

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

22 (10) A parole order issued for a prisoner subject to  
23 disciplinary time may contain a condition requiring the parolee  
24 to be housed in a community corrections center or a community  
25 residential home for not less than the first 30 days but not more  
26 than the first 180 days of his or her term of parole. As used in  
27 this subsection, "community corrections center" and "community

1 residential home" mean those terms as defined in section 65a.

2 (11) The parole order shall contain a condition requiring the  
3 parolee to pay the following amounts owed by the prisoner, if  
4 applicable:

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

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

12 (12) In each case in which payment of restitution is ordered  
13 as a condition of parole, a parole officer assigned to a case  
14 shall review the case not less than twice yearly to ensure that  
15 restitution is being paid as ordered. The final review shall be  
16 conducted not less than 60 days before the expiration of the  
17 parole period. If the parole officer determines that restitution  
18 is not being paid as ordered, the parole officer shall file a  
19 written report of the violation with the parole board on a form  
20 prescribed by the parole board. The report shall include a  
21 statement of the amount of arrearage and any reasons for the  
22 arrearage known by the parole officer. The parole board shall  
23 immediately provide a copy of the report to the court, the  
24 prosecuting attorney, and the victim.

25 (13) If a parolee is required to register pursuant to the sex  
26 offenders registration act, 1994 PA 295, MCL 28.721 to 28.732,  
27 the parole officer shall register the parolee as provided in that

1 act.

2 (14) If the parole order contains a condition intended to  
3 protect 1 or more named persons, the department shall enter those  
4 provisions of the parole order into the corrections management  
5 information system, accessible by the law enforcement information  
6 network. If the parole board revokes a parole order described in  
7 this subsection, the department within 3 business days shall  
8 remove from the corrections management information system the  
9 provisions of that parole order.

10 (15) In addition to any other requirements for the proper  
11 supervision of the parolee, the parole order shall require that a  
12 parolee described in this subsection meet with his or her parole  
13 officer, in person, on each October 31 occurring during the  
14 parole period, between the hours of 6 p.m. and 8 p.m. This  
15 subsection applies to a prisoner serving a sentence for a  
16 violation or attempted violation of any of the following:

17 (a) Section 158 of the Michigan penal code, 1931 PA 328,  
18 MCL 750.158 (sodomy), if the victim is less than 18 years of  
19 age.

20 (b) Section 335a of the Michigan penal code, 1931 PA 328, MCL  
21 750.335a (indecent exposure), if the victim is less than 18 years  
22 of age.

23 (c) Section 350 of the Michigan penal code, 1931 PA 328,  
24 MCL 750.350 (leading, taking, carrying away, decoying, or  
25 enticing away child under 14 years of age).

26 (d) Section 520b of the Michigan penal code, 1931 PA 328, MCL  
27 750.520b (first degree criminal sexual conduct), if the victim is

1 less than 18 years of age.

2 (e) Section 520c of the Michigan penal code, 1931 PA 328, MCL  
3 750.520c (second degree criminal sexual conduct), if the victim  
4 is less than 18 years of age.

5 (f) Section 520d of the Michigan penal code, 1931 PA 328, MCL  
6 750.520d (third degree criminal sexual conduct), if the victim is  
7 less than 18 years of age.

8 (g) Section 520g of the Michigan penal code, 1931 PA 328, MCL  
9 750.520g (assault with intent to commit criminal sexual conduct),  
10 if the victim is less than 18 years of age.

11 (h) A law of the United States, another state, or a political  
12 subdivision of this state or another state substantially  
13 corresponding to a violation described in subdivisions (a) to  
14 (g).

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