

**SUBSTITUTE FOR
HOUSE BILL NO. 5194**

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 36 (MCL 791.236), as amended by 2006 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (2) A parole order may be amended or rescinded at the
8 discretion of the parole board for cause. If a paroled prisoner who
9 is required to register pursuant to the sex offenders registration

1 act, 1994 PA 295, MCL 28.721 to 28.736, willfully violates that
2 act, the parole board shall rescind the parole. If a prisoner
3 convicted of violating or conspiring to violate section
4 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the public health
5 code, 1978 PA 368, MCL 333.7401 and 333.7403, is released on parole
6 and violates or conspires to violate article 7 of the public health
7 code, 1978 PA 368, MCL ~~333.7401~~ **333.7101** to 333.7545, and that
8 violation or conspiracy to violate is punishable by imprisonment
9 for 4 or more years, or commits a violent felony during his or her
10 release on parole, parole shall be rescinded.

11 (3) A parole shall not be rescinded unless an interview is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 new
16 information. At least 10 days before the interview, the parolee
17 shall receive a copy or summary of the new evidence that is the
18 basis for the interview. An amendment to a parole order shall be in
19 writing and is not effective until notice of the amendment is given
20 to the parolee.

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

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

4 (6) The parole order shall contain a condition requiring the
5 parolee to pay a parole supervision fee as prescribed in section
6 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) If the parolee is required to be registered under the sex
15 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the
16 parole order shall contain a condition requiring the parolee to
17 comply with that act.

18 (10) If a prisoner convicted of violating or conspiring to
19 violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the
20 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is
21 released on parole, the parole order shall contain a notice that if
22 the parolee violates or conspires to violate article 7 of the
23 public health code, 1978 PA 368, MCL ~~333.7401~~ **333.7101** to
24 333.7545, and that violation or conspiracy to violate is punishable
25 by imprisonment for 4 or more years, or commits a violent felony
26 during his or her release on parole, parole shall be rescinded.

27 (11) A parole order issued for a prisoner subject to

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

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

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

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

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

1 of the report to the court, the prosecuting attorney, and the
2 victim.

3 (14) If a parolee is required to register pursuant to the sex
4 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the
5 parole officer shall register the parolee as provided in that act.

6 (15) If a parolee convicted of violating or conspiring to
7 violate section 520b or 520c of the Michigan penal code, 1931 PA
8 328, MCL 750.520b and 750.520c, other than a parolee who is subject
9 to lifetime electronic monitoring under section 85, is placed on
10 parole, the parole board may require that the parolee be subject to
11 electronic monitoring. The electronic monitoring required under
12 this subsection shall be conducted in the same manner, and shall be
13 subject to the same requirements, as is described in section 85 of
14 this act and section 520n(2) of the Michigan penal code, 1931 PA
15 328, MCL 750.520n, except as follows:

16 (a) The electronic monitoring shall continue only for the
17 duration of the term of parole.

18 (b) A violation by the parolee of any requirement prescribed
19 in section 520n(2)(a) to (c) is a violation of a condition of
20 parole, not a felony violation.

21 (16) If the parole order contains a condition intended to
22 protect 1 or more named persons, the department shall enter those
23 provisions of the parole order into the corrections management
24 information system, accessible by the law enforcement information
25 network. If the parole board rescinds a parole order described in
26 this subsection, the department within 3 business days shall remove
27 from the corrections management information system the provisions

1 of that parole order.

2 (17) A PRISONER WHO IS REQUIRED TO BE REGISTERED UNDER THE SEX
3 OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO 28.736,
4 BEFORE BEING RELEASED ON PAROLE OR BEING RELEASED UPON COMPLETION
5 OF HIS OR HER MAXIMUM SENTENCE, SHALL PROVIDE TO THE DEPARTMENT
6 NOTICE OF THE LOCATION OF HIS OR HER PROPOSED PLACE OF RESIDENCE OR
7 DOMICILE. THE DEPARTMENT THEN SHALL FORWARD THAT NOTICE OF LOCATION
8 TO THE APPROPRIATE LAW ENFORCEMENT AGENCY AS REQUIRED UNDER SECTION
9 5(2) OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL
10 28.725. A PRISONER WHO REFUSES TO PROVIDE NOTICE OF THE LOCATION OF
11 HIS OR HER PROPOSED PLACE OF RESIDENCE OR DOMICILE OR KNOWINGLY
12 PROVIDES AN INCORRECT NOTICE OF THE LOCATION OF HIS OR HER PROPOSED
13 PLACE OF RESIDENCE OR DOMICILE UNDER THIS SUBSECTION IS GUILTY OF A
14 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
15 FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

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

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted.

26 Enacting section 2. This amendatory act does not take effect
27 unless House Bill No. 5193 of the 93rd Legislature is enacted into

1 law.