

HOUSE BILL No. 5194

September 20, 2005, Introduced by Reps. Baxter, David Law, Acciavatti, Marleau,
Hildenbrand, Gleason, Rocca and Nitz 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 2003 PA 75.

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7 (2) A parole order may be amended or rescinded at the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
10 act, 1994 PA 295, MCL 28.721 to 28.732, willfully violates that

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9 parole, parole shall be rescinded.

10 (3) A parole shall not be rescinded unless an interview is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

20 (4) When a parole order is issued, the order shall contain the
21 conditions of the parole and shall specifically provide proper
22 means of supervision of the paroled prisoner in accordance with the
23 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 to
27 the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834,

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

3 (6) The parole order shall contain a condition requiring the
4 parolee to pay a parole supervision fee as prescribed in section
5 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) The parole order shall contain a condition requiring the
10 parolee to pay the minimum state cost prescribed by section 1j of
11 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
12 769.1j, if the minimum state cost has not been paid.

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

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

26 (11) A parole order issued for a prisoner subject to
27 disciplinary time may contain a condition requiring the parolee to

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

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

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

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

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

1 victim.

2 (14) If a parolee is required to register pursuant to the sex
3 offenders registration act, 1994 PA 295, MCL 28.721 to 28.732, the
4 parole officer shall register the parolee as provided in that act.

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

13 (16) A PRISONER WHO IS REQUIRED TO BE REGISTERED UNDER THE SEX
14 OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO 28.732,
15 BEFORE BEING RELEASED ON PAROLE OR BEING RELEASED UPON COMPLETION
16 OF HIS OR HER MAXIMUM SENTENCE, SHALL PROVIDE TO THE DEPARTMENT
17 NOTICE OF THE LOCATION OF HIS OR HER PROPOSED PLACE OF RESIDENCE OR
18 DOMICILE. THE DEPARTMENT THEN SHALL FORWARD THAT NOTICE OF LOCATION
19 TO THE APPROPRIATE LAW ENFORCEMENT AGENCY AS REQUIRED UNDER SECTION
20 5(2) OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL
21 28.725.

22 (17) ~~-(16)-~~ As used in this section, "violent felony" means an
23 offense against a person in violation of section 82, 83, 84, 86,
24 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,
25 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA
26 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,
27 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,

1 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,
2 750.529a, and 750.530.

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No.____ or House Bill No. 5193(request no.
5 03702'05) of the 93rd Legislature is enacted into law.