

# SENATE BILL No. 1122

March 8, 2006, Introduced by Senator SANBORN 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, and  
by adding section 7b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 7B. THE DEPARTMENT SHALL RECEIVE AND RECORD THE DATA  
2        PROVIDED BY GLOBAL POSITIONING DEVICES REQUIRED FOR CERTAIN  
3        PAROLEES UNDER SECTION 36(14) AND CERTAIN PROBATIONERS UNDER  
4        SECTION 3(1)(H) OF CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE,  
5        1927 PA 175, MCL 771.3. THE DEPARTMENT SHALL CREATE AND MAINTAIN A  
6        DATABASE THAT SHOWS THE LOCATION OF EACH OF THOSE PAROLEES AT ANY  
7        TIME DURING THE TERM OF HIS OR HER PAROLE. UPON REQUEST BY A LOCAL,  
8        STATE, OR FEDERAL LAW ENFORCEMENT AGENCY, THE DEPARTMENT SHALL  
9        PROVIDE INFORMATION FROM THE DATABASE FOR THE PURPOSE OF

1 CORRELATING A PAROLEE'S LOCATION WITH THE LOCATION OF A CRIME SCENE  
2 UNDER INVESTIGATION. THE DEPARTMENT ALSO SHALL USE THE DATABASE TO  
3 DETERMINE WHETHER A PAROLEE HAS VIOLATED ANY CONDITION OF PAROLE  
4 PROHIBITING THE PAROLEE FROM BEING IN 1 OR MORE DESIGNATED AREAS.

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

11 (2) A parole order may be amended or rescinded at the  
12 discretion of the parole board for cause. If a paroled prisoner who  
13 is required to register pursuant to the sex offenders registration  
14 act, 1994 PA 295, MCL 28.721 to ~~28.732~~ **28.736**, willfully violates  
15 that act, the parole board shall rescind the parole. If a prisoner  
16 convicted of violating or conspiring to violate section  
17 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the public health  
18 code, 1978 PA 368, MCL 333.7401 and 333.7403, is released on parole  
19 and violates or conspires to violate article 7 of the public health  
20 code, 1978 PA 368, MCL 333.7401 to 333.7545, and that violation or  
21 conspiracy to violate is punishable by imprisonment for 4 or more  
22 years, or commits a violent felony during his or her release on  
23 parole, parole shall be rescinded.

24 (3) A parole shall not be rescinded unless an interview is  
25 conducted by 1 member of the parole board. The purpose of the  
26 interview is to consider and act upon information received by the  
27 board after the original parole release decision. A rescission

1 interview shall be conducted within 45 days after receiving the new  
2 information. At least 10 days before the interview, the parolee  
3 shall receive a copy or summary of the new evidence that is the  
4 basis for the interview. An amendment to a parole order shall be in  
5 writing and is not effective until notice of the amendment is given  
6 to the parolee.

7 (4) When a parole order is issued, the order shall contain the  
8 conditions of the parole and shall specifically provide proper  
9 means of supervision of the paroled prisoner in accordance with the  
10 rules of the bureau of field services.

11 (5) The parole order shall contain a condition to pay  
12 restitution to the victim of the prisoner's crime or the victim's  
13 estate if the prisoner was ordered to make restitution pursuant to  
14 the **WILLIAM VAN REGENMORTER** crime victim's rights act, 1985 PA 87,  
15 MCL 780.751 to 780.834, or the code of criminal procedure, 1927 PA  
16 175, MCL 760.1 to 777.69.

17 (6) The parole order shall contain a condition requiring the  
18 parolee to pay a parole supervision fee as prescribed in section  
19 36a.

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

23 (8) The parole order shall contain a condition requiring the  
24 parolee to pay the minimum state cost prescribed by section 1j of  
25 chapter IX of the code of criminal procedure, 1927 PA 175, MCL  
26 769.1j, if the minimum state cost has not been paid.

27 (9) If the parolee is required to be registered under the sex

1 offenders registration act, 1994 PA 295, MCL 28.721 to ~~28.732~~  
2 **28.736**, the parole order shall contain a condition requiring the  
3 parolee to comply with that act.

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

13 (11) A parole order issued for a prisoner subject to  
14 disciplinary time may contain a condition requiring the parolee to  
15 be housed in a community corrections center or a community  
16 residential home for not less than the first 30 days but not more  
17 than the first 180 days of his or her term of parole. As used in  
18 this subsection, "community corrections center" and "community  
19 residential home" mean those terms as defined in section 65a.

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

23 (a) The balance of filing fees and costs ordered to be paid  
24 under section 2963 of the revised judicature act of 1961, 1961 PA  
25 236, MCL 600.2963.

26 (b) The balance of any filing fee ordered to be paid by a  
27 federal court under section 1915 of title 28 of the United States

1 Code, 28 ~~U.S.C.~~ **USC** 1915 and any unpaid order of costs assessed  
2 against the prisoner.

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

16 (14) If a parolee is required to register pursuant to the sex  
17 offenders registration act, 1994 PA 295, MCL 28.721 to ~~28.732~~, the  
18 **28.736, BOTH OF THE FOLLOWING APPLY:**

19 **(A) THE** parole officer shall register the parolee as provided  
20 in that act.

21 **(B) THE PAROLEE SHALL BE REQUIRED TO BE MONITORED BY A GLOBAL**  
22 **POSITIONING DEVICE FOR THE TERM OF HIS OR HER PAROLE, WHICH SHALL**  
23 **BE USED TO COLLECT INFORMATION AS DESCRIBED IN SECTION 7B.**

24 (15) If the parole order contains a condition intended to  
25 protect 1 or more named persons, the department shall enter those  
26 provisions of the parole order into the corrections management  
27 information system, accessible by the law enforcement information

1 network. If the parole board rescinds a parole order described in  
2 this subsection, the department within 3 business days shall remove  
3 from the corrections management information system the provisions  
4 of that parole order.

5 (16) As used in this section, "violent felony" means an  
6 offense against a person in violation of section 82, 83, 84, 86,  
7 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,  
8 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA  
9 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,  
10 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,  
11 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,  
12 750.529a, and 750.530.