

Act No. 94  
Public Acts of 2010  
Approved by the Governor  
June 22, 2010  
Filed with the Secretary of State  
June 22, 2010  
EFFECTIVE DATE: June 22, 2010

**STATE OF MICHIGAN  
95TH LEGISLATURE  
REGULAR SESSION OF 2010**

Introduced by Rep. Smith

# **ENROLLED HOUSE BILL No. 6135**

AN ACT to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33b (MCL 791.233b), as amended by 1994 PA 217.

*The People of the State of Michigan enact:*

Sec. 33b. A person convicted and sentenced for the commission of any of the following crimes other than a prisoner subject to disciplinary time is not eligible for parole until the person has served the minimum term imposed by the court less an allowance for disciplinary credits as provided in section 33(5) of 1893 PA 118, MCL 800.33, and is not eligible for special parole:

- (a) Section 13 of the Michigan penal code, 1931 PA 328, MCL 750.13.
- (b) Section 14 of the Michigan penal code, 1931 PA 328, MCL 750.14.
- (c) Section 72, 73, or 75 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.73, and 750.75.
- (d) Section 80, 82, 83, 84, 86, 87, 88, 89, or 90 of the Michigan penal code, 1931 PA 328, MCL 750.80, 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, and 750.90, or former section 85 of that act.
- (e) Section 91 or 92 of the Michigan penal code, 1931 PA 328, MCL 750.91 and 750.92.
- (f) Section 110, 112, or 116 of the Michigan penal code, 1931 PA 328, MCL 750.110, 750.112, and 750.116.
- (g) Section 135, 136b(2), or 136b(3) of the Michigan penal code, 1931 PA 328, MCL 750.135 and 750.136b, or former section 136a of that act.
- (h) Section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158.
- (i) Section 160 of the Michigan penal code, 1931 PA 328, MCL 750.160.
- (j) Former section 171 of the Michigan penal code, 1931 PA 328.
- (k) Section 196 of the Michigan penal code, 1931 PA 328, MCL 750.196, or former section 194 of that act.

(l) Section 204, 207, 209, or 213 of the Michigan penal code, 1931 PA 328, MCL 750.204, 750.207, 750.209, and 750.213, or former section 205, 206 or 208 of that act.

(m) Section 224, 226, or 227 of the Michigan penal code, 1931 PA 328, MCL 750.224, 750.226, and 750.227.

(n) Section 316, 317, 319, 321, 322, 323, 327, 328, or 329 of the Michigan penal code, 1931 PA 328, MCL 750.316, 750.317, 750.319, 750.321, 750.322, 750.323, 750.327, 750.328, and 750.329.

(o) Former section 333 of the Michigan penal code, 1931 PA 328.

(p) Section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, or former section 341 of that act.

(q) Section 349, 349a, or 350 of the Michigan penal code, 1931 PA 328, MCL 750.349, 750.349a, and 750.350.

(r) Section 357 of the Michigan penal code, 1931 PA 328, MCL 750.357.

(s) Section 386 or 392 of the Michigan penal code, 1931 PA 328, MCL 750.386 and 750.392.

(t) Section 397 or 397a of the Michigan penal code, 1931 PA 328, MCL 750.397 and 750.397a.

(u) Section 436 of the Michigan penal code, 1931 PA 328, MCL 750.436.

(v) Section 511 of the Michigan penal code, 1931 PA 328, MCL 750.511, or former section 517 of that act.

(w) Section 520b, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520g.

(x) Section 529, 529a, 530, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.529, 750.529a, 750.530, and 750.531.

(y) Section 544 of the Michigan penal code, 1931 PA 328, MCL 750.544, or former section 545a of that act.

(z) Former section 2 of 1950 (Ex Sess) PA 38.

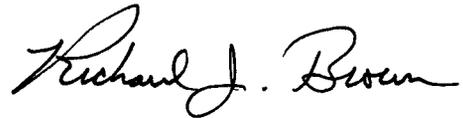
(aa) Former section 6 of 1952 PA 117.

(bb) Section 1, 2, or 3 of 1968 PA 302, MCL 752.541, 752.542, and 752.543.

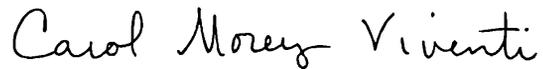
(cc) Section 7401(2)(a), 7401(2)(b), 7402(2)(a), or 7402(2)(b) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7402.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 6137 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor

**Compiler's note:** House Bill No. 6137, referred to in enacting section 1, was filed with the Secretary of State June 22, 2010, and became 2010 PA 96, Imd. Eff. June 22, 2010.