

SENATE BILL No. 947

May 3, 2016, Introduced by Senators ROBERTSON, JONES, HORN, GREGORY, SHIRKEY, COLBECK, PROOS, EMMONS, WARREN, ROCCA, BRANDENBURG, GREEN, BOOHER, NOFS, KNOLLENBERG, MACGREGOR and SCHMIDT and referred to the Committee on Michigan Competitiveness.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending sections 33 and 34d (MCL 791.233 and 791.234d), section
33 as amended by 1998 PA 320 and section 34d as added by 2014 PA
359.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33. (1) The grant of a parole is subject to all of the
2 following:

3 (a) A prisoner shall not be given liberty on parole until the
4 board has reasonable assurance, after consideration of all of the
5 facts and circumstances, including the prisoner's mental and social
6 attitude, that the prisoner will not become a menace to society or
7 to the public safety.

8 (b) Except as provided in section 34a, a parole shall not be

1 granted to a prisoner other than a prisoner subject to disciplinary
2 time until the prisoner has served the minimum term imposed by the
3 court less allowances for good time or special good time to which
4 the prisoner may be entitled by statute, except that a prisoner
5 other than a prisoner subject to disciplinary time is eligible for
6 parole before the expiration of his or her minimum term of
7 imprisonment whenever the sentencing judge, or the judge's
8 successor in office, gives written approval of the parole of the
9 prisoner before the expiration of the minimum term of imprisonment.

10 (c) Except as provided in section 34a, and notwithstanding the
11 provisions of subdivision (b), a parole shall not be granted to a
12 prisoner other than a prisoner subject to disciplinary time
13 sentenced for the commission of a crime described in section 33b(a)
14 to (cc) until the prisoner has served the minimum term imposed by
15 the court less an allowance for disciplinary credits as provided in
16 section 33(5) of 1893 PA 118, MCL 800.33. A prisoner described in
17 this subdivision is not eligible for special parole.

18 (d) Except as provided in section 34a, a parole shall not be
19 granted to a prisoner subject to disciplinary time until the
20 prisoner has served the minimum term imposed by the court.

21 (e) A prisoner shall not be released on parole until the
22 parole board has satisfactory evidence that arrangements have been
23 made for such honorable and useful employment as the prisoner is
24 capable of performing, for the prisoner's education, or for the
25 prisoner's care if the prisoner is mentally or physically ill or
26 incapacitated.

27 (f) A prisoner whose minimum term of imprisonment is 2 years

1 or more shall not be released on parole unless he or she has either
2 earned a high school diploma or ~~earned its equivalent in the form~~
3 ~~of a general education development (GED)~~ **A HIGH SCHOOL EQUIVALENCY**
4 certificate. The director of the department may waive the
5 restriction imposed by this subdivision as to any prisoner who is
6 over the age of 65 or who was gainfully employed immediately before
7 committing the crime for which he or she was incarcerated. The
8 department of corrections may also waive the restriction imposed by
9 this subdivision as to any prisoner who has a learning disability,
10 who does not have the necessary proficiency in English, or who for
11 some other reason that is not the fault of the prisoner is unable
12 to successfully complete the requirements for a high school diploma
13 or a ~~general education development~~ **HIGH SCHOOL EQUIVALENCY**
14 certificate. If the prisoner does not have the necessary
15 proficiency in English, the department ~~of corrections~~ shall provide
16 English language training for that prisoner necessary for the
17 prisoner to begin working toward the completion of the requirements
18 for a ~~general education development~~ **HIGH SCHOOL EQUIVALENCY**
19 certificate. This subdivision applies to prisoners sentenced for
20 crimes committed after December 15, 1998. In providing an
21 educational program leading to a high school ~~degree~~ **DIPLOMA** or
22 ~~general education development~~ **A HIGH SCHOOL EQUIVALENCY**
23 certificate, the department shall give priority to prisoners
24 sentenced for crimes committed on or before December 15, 1998.

25 (2) Paroles-in-custody to answer warrants filed by local or
26 out-of-state agencies, or immigration officials, are permissible if
27 an accredited agent of the agency filing the warrant calls for the

1 prisoner to be paroled in custody.

2 (3) Pursuant to the administrative procedures act of 1969,
3 1969 PA 306, MCL 24.201 to 24.328, the parole board may promulgate
4 rules not inconsistent with this act with respect to conditions to
5 be imposed upon prisoners paroled under this act.

6 Sec. 34d. (1) When a prisoner is released, the department
7 shall issue to that prisoner documents regarding all of the
8 following:

9 (a) The prisoner's criminal convictions.

10 (b) The prisoner's institutional history including all of the
11 following:

12 (i) Any record of institutional misconduct.

13 (ii) Whether the prisoner successfully completed programming
14 provided by the department or a person or entity under contract
15 with the department.

16 (iii) Whether the prisoner obtained a ~~general education~~
17 ~~development certificate (GED)~~ **HIGH SCHOOL EQUIVALENCY CERTIFICATE**
18 or other educational degree.

19 (iv) The prisoner's institutional work record.

20 (c) Other information considered relevant by the department.

21 (2) In addition to the documents provided under subsection
22 (1), the department shall issue a certificate of employability
23 described in subsection (8) to a prisoner if all of the following
24 apply:

25 (a) The prisoner successfully completed a career and technical
26 education course.

27 (b) The prisoner received no major misconducts during the 2

1 years immediately preceding his or her release.

2 (c) The prisoner received no more than 3 minor misconducts
3 during the 2 years immediately preceding his or her release.

4 (d) The prisoner received a silver level or better on his or
5 her national work readiness certificate, or a similar score, as
6 determined by the department, on an alternative job skills
7 assessment test administered by the department.

8 (3) A certificate of employability shall only be issued within
9 30 days before the prisoner is released from a correctional
10 facility under section 35 and is valid for 4 years after the date
11 it is issued unless otherwise revoked by the department. The
12 department shall revoke the certificate of employability if the
13 prisoner commits any criminal offense during the 30-day period
14 before release and may revoke the certificate of employability if
15 the prisoner has any institutional misconduct during that period.
16 The department shall revoke the certificate of employability of any
17 individual who commits a felony after receiving a certificate of
18 employability under this section and who is then placed under the
19 jurisdiction of the department for committing that felony.

20 (4) The department shall provide an individual with an
21 opportunity to file a grievance related to the revocation of a
22 certificate of employability under subsection (3) through the
23 department's prisoner grievance system. The revocation of a
24 certificate of employability is effective when the individual is
25 notified of the revocation.

26 (5) An individual shall not intentionally state or otherwise
27 represent that he or she has a valid certificate of employability

1 issued by the department knowing that the statement or
2 representation is false. An individual who violates this subsection
3 is guilty of a misdemeanor punishable by imprisonment for not more
4 than 93 days or a fine of not more than \$500.00, or both.

5 (6) The revocation of a certificate of employability is for
6 purposes of subsection (5) only and does not affect the right of an
7 employer to rely on the validity of the certificate of
8 employability unless the employer knew before the individual was
9 employed that the certificate of employability was fraudulent.

10 (7) Upon request, the department shall confirm whether a
11 certificate of employability has been issued to a named individual
12 and whether the certificate is valid at the time of the inquiry and
13 at the **TIME OF THE** department's response to that inquiry.

14 (8) A certificate of employability under this section shall be
15 on a form provided by the department.

16 (9) The department is not civilly liable for damages based
17 upon its decision to issue or to deny issuance of a certificate of
18 employability to any prisoner or for revoking or failing to revoke
19 a certificate of employability issued to any prisoner.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.