

SUBSTITUTE FOR  
HOUSE BILL NO. 5245

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending sections 33b and 65 (MCL 791.233b and 791.265), section  
33b as amended by 2010 PA 94 and section 65 as amended by 2012 PA  
599.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 33b. ~~A~~ **EXCEPT FOR A PRISONER GRANTED PAROLE UNDER SECTION**  
2 **35(10)**, **A** person convicted and sentenced for the commission of any  
3 of the following crimes other than a prisoner subject to  
4 disciplinary time is not eligible for parole until the person has  
5 served the minimum term imposed by the court less an allowance for  
6 disciplinary credits as provided in section 33(5) of 1893 PA 118,  
7 MCL 800.33, and is not eligible for special parole:  
8       (a) Section 13 of the Michigan penal code, 1931 PA 328, MCL

1 750.13.

2 (b) Section 14 of the Michigan penal code, 1931 PA 328, MCL  
3 750.14.

4 (c) Section 72, 73, or 75 of the Michigan penal code, 1931 PA  
5 328, MCL 750.72, 750.73, and 750.75.

6 (d) Section ~~80~~, 82, 83, 84, 86, 87, 88, 89, or 90 of the  
7 Michigan penal code, 1931 PA 328, MCL ~~750.80~~, 750.82, 750.83,  
8 750.84, 750.86, 750.87, 750.88, 750.89, and 750.90, or former  
9 section ~~85~~-80 of that act.

10 (e) Section 91 or 92 of the Michigan penal code, 1931 PA 328,  
11 MCL 750.91 and 750.92.

12 (f) Section 110, 112, or 116 of the Michigan penal code, 1931  
13 PA 328, MCL 750.110, 750.112, and 750.116.

14 (g) Section 135 ~~OR~~ 136b(2) ~~OR~~ ~~136b(3)~~ **OR (3)** of the  
15 Michigan penal code, 1931 PA 328, MCL 750.135 and 750.136b, or  
16 former section 136a of that act.

17 (h) Section 158 of the Michigan penal code, 1931 PA 328, MCL  
18 750.158.

19 (i) Section 160 of the Michigan penal code, 1931 PA 328, MCL  
20 750.160.

21 (j) Former section 171 of the Michigan penal code, 1931 PA  
22 328.

23 (k) Section 196 of the Michigan penal code, 1931 PA 328, MCL  
24 750.196, or former section 194 of that act.

25 (l) Section 204, 207, 209, or 213 of the Michigan penal code,  
26 1931 PA 328, MCL 750.204, 750.207, 750.209, and 750.213, or former  
27 section 205, 206 or 208 of that act.

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

3 (n) Section 316, 317, ~~319~~, 321, 322, 323, 327, 328, or 329 of  
4 the Michigan penal code, 1931 PA 328, MCL 750.316, 750.317,  
5 ~~750.319~~, 750.321, 750.322, 750.323, 750.327, 750.328, and 750.329,  
6 **OR FORMER SECTION 319 OF THAT ACT.**

7 (o) Former section 333 of the Michigan penal code, 1931 PA  
8 328.

9 (p) Section 338, 338a, or 338b of the Michigan penal code,  
10 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, or former section  
11 341 of that act.

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

14 (r) Section 357 of the Michigan penal code, 1931 PA 328, MCL  
15 750.357.

16 (s) Section 386 or 392 of the Michigan penal code, 1931 PA  
17 328, MCL 750.386 and 750.392.

18 (t) Section 397 or 397a of the Michigan penal code, 1931 PA  
19 328, MCL 750.397 and 750.397a.

20 (u) Section 436 of the Michigan penal code, 1931 PA 328, MCL  
21 750.436.

22 (v) Section 511 of the Michigan penal code, 1931 PA 328, MCL  
23 750.511, or former section 517 of that act.

24 (w) Section 520b, 520c, 520d, or 520g of the Michigan penal  
25 code, 1931 PA ~~382~~, **328**, MCL 750.520b, 750.520c, 750.520d, and  
26 750.520g.

27 (x) Section 529, 529a, 530, or 531 of the Michigan penal code,

1 1931 PA 328, MCL 750.529, 750.529a, 750.530, and 750.531.

2 (y) Section 544 of the Michigan penal code, 1931 PA 328, MCL  
3 750.544, or former section 545a of that act.

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

5 (aa) Former section 6 of 1952 PA 117.

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

8 (cc) Section 7401(2)(a) ~~, 7401(2)(b), OR (B) OR 7402(2)(a) r~~  
9 ~~or 7402(2)(b) OR (B)~~ of the public health code, 1978 PA 368, MCL  
10 333.7401 and 333.7402.

11 Sec. 65. (1) Under rules promulgated by the director of the  
12 department, the assistant director in charge of the bureau of  
13 correctional facilities, except as otherwise provided in this  
14 section, may cause the transfer or re-transfer of a prisoner from a  
15 correctional facility to which **HE OR SHE WAS** committed to any other  
16 correctional facility, or temporarily to a state institution for  
17 medical or surgical treatment. In effecting a transfer, the  
18 assistant director of the bureau of correctional facilities may  
19 utilize the services of an executive or employee within the  
20 department and of a law enforcement officer of the state.

21 (2) A prisoner who is subject to disciplinary time and is  
22 committed to the jurisdiction of the department ~~shall~~**MUST** be  
23 confined in a secure correctional facility for the duration of his  
24 or her minimum sentence, except for periods when the prisoner is  
25 away from the secure correctional facility while being supervised  
26 by an employee of the department or by an employee of a private  
27 contractor that operates a facility or institution that houses

1 prisoners under the jurisdiction of the department for 1 of the  
2 following purposes:

3 (a) Visiting a critically ill relative.

4 (b) Attending the funeral of a relative.

5 (c) Obtaining medical services not otherwise available at the  
6 secure correctional facility.

7 (d) Participating in a work detail.

8 (3) As used in this section, "offender" means a citizen of the  
9 United States or a foreign country who has been convicted of a  
10 crime and been given a sentence in a country other than the country  
11 of which he or she is a citizen. If a treaty is in effect between  
12 the United States and a foreign country, which provides for the  
13 transfer of offenders from the jurisdiction of 1 of the countries  
14 to the jurisdiction of the country of which the offender is a  
15 citizen, and if the offender requests the transfer, the governor of  
16 this state or a person designated by the governor may give the  
17 approval of this state to a transfer of an offender, if the  
18 conditions of the treaty are satisfied.

19 (4) Not less than 45 days before approval of a transfer  
20 ~~pursuant to~~ **UNDER** subsection (3) from this state to another  
21 country, the governor, or the governor's designee, shall notify the  
22 sentencing judge and the prosecuting attorney of the county having  
23 original jurisdiction, or their successors in office, of the  
24 request for transfer. The notification ~~shall~~ **MUST** indicate any name  
25 changes of the offender subsequent to sentencing. Within 20 days  
26 after receiving ~~such~~ notification **UNDER THIS SUBSECTION**, the judge  
27 or prosecutor may send to the governor, or the governor's designee,

1 information about the criminal action against the offender or  
2 objections to the transfer. Objections to the transfer ~~shall~~**MUST**  
3 not preclude approval of the transfer.

4 (5) As used in this section, "secure correctional facility"  
5 means a facility that houses prisoners under the jurisdiction of  
6 the department according to the following requirements:

7 (a) The facility is enclosed by a locked fence or wall that is  
8 designed to prevent prisoners from leaving the enclosed premises  
9 and that is patrolled by correctional officers.

10 (b) Prisoners in the facility are restricted to the area  
11 inside the fence or wall.

12 (c) Prisoners are under guard by correctional officers 7 days  
13 per week, 24 hours per day.

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

16 Enacting section 2. This amendatory act does not take effect  
17 unless House Bill No. 4101 of the 99th Legislature is enacted into  
18 law.