

SENATE BILL NO. 1051

July 23, 2020, Introduced by Senators MCBROOM, SANTANA, CHANG, WOJNO, BAYER, BULLOCK, ALEXANDER, IRWIN, MOSS, MCMORROW, GEISS, MCCANN, BRINKS, POLEHANKI, HERTEL and DALEY and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 36 (MCL 791.236), as amended by 2012 PA 623.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 36. (1) All paroles ~~shall~~**must** be ordered by the parole
2 board and ~~shall~~**must** be signed by the chairperson. Written notice
3 of the order ~~shall~~**must** be sent by first-class mail or by
4 electronic means to the prosecuting attorney and the sheriff or
5 other police officer of the municipality or county in which the
6 prisoner was convicted and to the prosecuting attorney and the

1 sheriff or other local police officer of the municipality or county
2 to which the paroled prisoner is sent or is to be sent. The notice
3 ~~shall~~**must** be provided ~~within~~**not more than** 10 days after the
4 parole board issues its order to parole the prisoner.

5 (2) A parole order may be rescinded at the discretion of the
6 parole board for cause before the prisoner is released on parole. A
7 parole ~~shall~~**must** not be revoked unless an interview with the
8 prisoner is conducted by 1 member of the parole board. The purpose
9 of the interview is to consider and act upon information received
10 by the board after the original parole release decision. A
11 revocation interview ~~shall~~**must** be conducted ~~within~~**not more than**
12 45 days after ~~receiving~~**the board received** the new information. ~~At~~
13 ~~least~~**Not less than** 10 days before the interview, the parolee ~~shall~~
14 **must** receive a copy or summary of the new evidence that is the
15 basis for the interview.

16 (3) A parole order may be amended at the discretion of the
17 parole board for cause **or to adjust conditions as the parole board**
18 **determines is appropriate**. An amendment to a parole order ~~shall~~
19 **must** be in writing and is not effective until notice of the
20 amendment is given to the parolee.

21 (4) When a parole order is issued, the order ~~shall~~**must**
22 contain the conditions of the parole and ~~shall~~**must** specifically
23 provide proper means of supervision of the paroled prisoner in
24 accordance with the rules of the ~~bureau of field~~
25 ~~services~~**operations administration**. **The conditions of the parole**
26 **must be individualized, must be the least restrictive conditions**
27 **necessary to address the assessed risks and needs of the parolee,**
28 **and must be designed to reduce recidivism.**

29 (5) The parole order ~~shall~~**must** contain a condition to pay

1 restitution to the victim of the prisoner's crime or the victim's
2 estate if the prisoner was ordered to make restitution under the
3 William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL
4 780.751 to 780.834, or the code of criminal procedure, 1927 PA 175,
5 MCL 760.1 to 777.69.

6 (6) The parole order ~~shall~~**must** contain a condition requiring
7 the parolee to pay a parole supervision fee as prescribed in
8 section 36a.

9 (7) The parole order ~~shall~~**must** contain a condition requiring
10 the parolee to pay any assessment the prisoner was ordered to pay
11 under section 5 of 1989 PA 196, MCL 780.905.

12 (8) The parole order ~~shall~~**must** contain a condition requiring
13 the parolee to pay the minimum state cost prescribed by section 1j
14 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
15 769.1j, if the minimum state cost has not been paid.

16 (9) If the parolee is required to be registered under the sex
17 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the
18 parole order ~~shall~~**must** contain a condition requiring the parolee
19 to comply with that act.

20 (10) If a prisoner convicted of violating or conspiring to
21 violate section 7401(2)(a)(i) or (ii) or 7403(2)(a)(i) or (ii) of the
22 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, is
23 released on parole, the parole order ~~shall~~**must** contain a notice
24 that if the parolee violates or conspires to violate article 7 of
25 the public health code, 1978 PA 368, MCL 333.7101 to 333.7545, and
26 that violation or conspiracy to violate is punishable by
27 imprisonment for 4 or more years, or commits a violent felony
28 during his or her release on parole, parole ~~shall~~**must** be revoked.

29 (11) A parole order issued for a prisoner subject to

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

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

10 (a) The balance of filing fees and costs ordered to be paid
11 under section 2963 of the revised judicature act of 1961, 1961 PA
12 236, MCL 600.2963.

13 (b) The balance of any filing fee ordered to be paid by a
14 federal court under 28 USC 1915 and any unpaid order of costs
15 assessed 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~~**the** case
18 shall review the case not less than twice yearly to ensure that
19 restitution is being paid as ordered. The final review ~~shall~~**must**
20 be conducted not less than 60 days before the expiration of the
21 parole period. If the parole officer determines that restitution is
22 not 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~~**must** include a statement of
25 the amount of arrearage and any reasons for the arrearage known by
26 the parole officer. The parole board shall immediately provide a
27 copy of the report to the court, the prosecuting attorney, and the
28 victim.

29 (14) If a parolee is required to register under the sex

1 offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, the
2 parole officer shall register the parolee as provided in that act.

3 (15) ~~Beginning August 28, 2006, if~~ **If** a parolee convicted of
4 violating or conspiring to violate section 520b or 520c of the
5 Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, other
6 than a parolee who is subject to lifetime electronic monitoring
7 under section 85, is placed on parole, the parole board may require
8 that the parolee be subject to electronic monitoring. The
9 electronic monitoring required under this subsection ~~shall~~ **must** be
10 conducted in the same manner, and ~~shall be~~ **is** subject to the same
11 requirements, as is described in ~~section 85 of this act and section~~
12 ~~520n(2) of the Michigan penal code, 1931 PA 328, MCL 750.520n, and~~
13 **section 85**, except as follows:

14 (a) The electronic monitoring shall continue only for the
15 duration of the term of parole.

16 (b) A violation by the parolee of any requirement prescribed
17 in section ~~520n(2) (a) to (c)~~ **520n(2)** is a violation of a condition
18 of parole, not a felony violation.

19 (16) If the parole order contains a condition intended to
20 protect 1 or more named persons, the department shall enter those
21 provisions of the parole order into the corrections management
22 information system, accessible by the law enforcement information
23 network. If the parole board rescinds a parole order described in
24 this subsection, the department within 3 business days shall remove
25 from the corrections management information system the provisions
26 of that parole order.

27 (17) Each prisoner who is required to be registered under the
28 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,
29 before being released on parole or being released upon completion

1 of his or her maximum sentence, shall provide to the department
2 notice of the location of his or her proposed place of residence or
3 domicile. The department then shall forward that notice of location
4 to the appropriate law enforcement agency as required under section
5 5(3) of the sex offenders registration act, 1994 PA 295, MCL
6 28.725. A prisoner who refuses to provide notice of the location of
7 his or her proposed place of residence or domicile or knowingly
8 provides an incorrect notice of the location of his or her proposed
9 place of residence or domicile under this subsection is guilty of a
10 felony punishable by imprisonment for not more than 4 years or a
11 fine of not more than \$2,000.00, or both.

12 (18) If a prisoner is serving a sentence for violating section
13 411i of the Michigan penal code, 1931 PA 328, MCL 750.411i,
14 ~~(aggravated stalking),~~ and if a victim of that crime has registered
15 to receive notices about that prisoner under the William Van
16 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to
17 780.834, the parole order for that prisoner ~~shall~~**must** require that
18 the prisoner's location be monitored by a global positioning
19 monitoring system during the entire period of the prisoner's
20 parole. If, at the time a prisoner described in this subsection is
21 paroled, no victim of the crime has registered to receive notices
22 about that prisoner under the William Van Regenmorter crime
23 victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, but a
24 victim of the crime subsequently registers to receive those
25 notices, the prisoner's order of parole ~~shall~~**must** immediately be
26 modified to require that the prisoner's location be monitored by a
27 global positioning system during the balance of the period of that
28 prisoner's parole. As used in this subsection, "global positioning
29 monitoring system" means a system that electronically determines

1 and reports the location of an individual by means of an ankle
2 bracelet transmitter or similar device worn by the individual,
3 which transmits latitude and longitude data to monitoring
4 authorities through global positioning satellite technology but
5 does not include any radio frequency identification technology,
6 global positioning technology, or similar technology that would be
7 implanted in the parolee or would otherwise violate the corporeal
8 body of the parolee.

9 (19) The parole order ~~shall~~**must** require the parolee to
10 provide written consent to submit to a search of his or her person
11 or property upon demand by a peace officer or parole officer. The
12 written consent ~~shall~~**must** include the prisoner's name and date of
13 birth, his or her physical description, the date for release on
14 parole, and the ending date for that parole. The prisoner shall
15 sign the written consent before being released on parole. The
16 department shall promptly enter this condition of parole into the
17 department's corrections management information system or offender
18 management network information system or into a corresponding
19 records management system that is accessible through the law
20 enforcement information network. Consent to a search as provided
21 under this subsection does not authorize a search that is conducted
22 with the sole intent to intimidate or harass.

23 (20) As used in this section, "violent felony" means an
24 offense against a person in violation of section 82, 83, 84, 86,
25 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,
26 520e, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA
27 328, MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, 750.89,
28 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397,
29 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529,

1 750.529a, and 750.530.