

HOUSE BILL NO. 4670

April 21, 2021, Introduced by Reps. Kahle, Slagh, Posthumus, Tyrone Carter and Calley and referred to the Committee on Rules and Competitiveness.

A bill to amend 1893 PA 118, entitled

"An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,"

(MCL 800.33 to 800.61) by adding section 33a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33a. (1) A prisoner subject to disciplinary time who is
2 sentenced on or after the effective date of the amendatory act that
3 added this section is eligible to earn productivity credits.

1 Productivity credits must be earned and forfeited as provided in
2 this section. Accumulated productivity credits must be deducted
3 from a prisoner's minimum and maximum sentence to determine his or
4 her parole eligibility date and discharge date.

5 (2) Except as provided under subsections (4) and (5) and
6 subject to subsections (6) and (7), the department of corrections
7 shall award a prisoner who is eligible to earn productivity credits
8 under subsection (1) productivity credits as follows:

9 (a) For each month the prisoner maintains enrollment in a
10 program recommended by the department of corrections or an
11 educational or vocational program, 20 days.

12 (b) For each month the prisoner maintains voluntary enrollment
13 in a program approved by the department of corrections under
14 subsection (8), 10, 15, or 20 days as determined by the department.

15 (3) Except as provided under subsection (5) and subject to
16 subsection (7), the department of corrections shall award a
17 prisoner who is eligible to earn productivity credits under
18 subsection (1) productivity credits as follows:

19 (a) If the prisoner successfully completes a department
20 recommended program under subsection (2) (a) or an educational or
21 vocational program under subsection (2) (a) that does not result in
22 a high school diploma, high school equivalency certificate, or
23 higher education degree, 90 days upon the successful completion of
24 the program.

25 (b) If the prisoner earns a high school diploma, high school
26 equivalency certificate, or higher education degree, 120 days upon
27 earning the diploma, certificate, or degree.

28 (c) If the prisoner successfully completes a program approved
29 by the department under subsection (2) (b), no more than 90 days

1 upon the successful completion of that program.

2 (4) The department of corrections shall not award a prisoner
3 productivity credits under subsection (2) during any month in which
4 the prisoner is found guilty of having committed a major
5 misconduct. The amount of productivity credits not awarded as a
6 result of being found guilty of a major misconduct must be limited
7 to the productivity credits that would have been earned for the
8 month in which the major misconduct occurred.

9 (5) The department of corrections shall not award a prisoner
10 productivity credits for any period during which the prisoner meets
11 either of the following:

12 (a) The prisoner has received a score of very high risk on the
13 prisoner's most recent validated risk and needs assessment.

14 (b) The prisoner is assigned to a housing unit having a
15 security classification of V or VI as described under section 42.

16 (6) A prisoner may not earn more than an aggregate of 100 days
17 of productivity credits for enrollment in a program under
18 subsection (2).

19 (7) The department of corrections shall not award productivity
20 credits in an amount greater than 20% of the prisoner's minimum
21 sentence, or 2 years, whichever is the shorter amount of time.

22 (8) The department of corrections may, at its sole discretion,
23 approve additional programs for a prisoner to earn productivity
24 credits under subsections (2) (b) and (3) (c) if research and
25 evidence indicate the program improves rehabilitation, behavioral,
26 or post-release prisoner outcomes. If the department approves a
27 program under this subsection, it may assign a monthly productivity
28 credit award of 10, 15, or 20 days as described under subsection
29 (2) (b) and a completion productivity credit of not more than 90

1 days as described under subsection (3) (c).

2 (9) If a prisoner has been sentenced concurrently for separate
3 convictions, the prisoner's productivity credits are computed on
4 the basis of the longest of the concurrent sentences. If a prisoner
5 is serving consecutive sentences for separate convictions, the
6 prisoner's productivity credits are computed and accumulated on
7 each sentence individually.

8 (10) This section does not allow productivity credits for a
9 commuted sentence unless the executive order commuting the sentence
10 stipulates to the credit.

11 (11) This section does not apply to a prisoner sentenced to
12 imprisonment for life without parole and does not apply to a
13 prisoner sentenced for a conviction under section 316, 317, 520b,
14 520c, 520d, 520e, 520g, 462b, 462c, 462d, or 462e of the Michigan
15 penal code, 1931 PA 328, MCL 750.316, 750.317, 750.520b, 750.520c,
16 750.520d, 750.520e, 750.520g, 750.462b, 750.462c, 750.462d, or
17 750.462e.

18 (12) The department of corrections shall promulgate rules
19 pursuant to the administrative procedures act of 1969, 1969 PA 306,
20 MCL 24.201 to 24.328, prescribing the minimum standards to earn and
21 the procedure for awarding productivity credits under this section.