

**SUBSTITUTE FOR
SENATE BILL NO. 835**

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending sections 34c and 35 (MCL 791.234c and 791.235), section
34c as added by 2012 PA 24 and section 35 as amended by 2024 PA
111.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 34c. (1) The department, by contract or otherwise, shall
2 assist prisoners with reentry into the community, including, but
3 not limited to, doing ~~both~~**all** of the following:
- 4 (a) Assisting prisoners in obtaining the identification
5 documents described in this section.
- 6 (b) Subject to the department's security needs, reasonably
7 allowing prisoners to obtain the following identification documents

1 before those prisoners are released on parole or discharged upon
2 completion of their maximum sentences:

3 (i) Any of the identification documents that, in combination
4 with the prisoner identification card issued under section 37(4),
5 would satisfy the application requirements for obtaining an
6 operator's license or **an official** state personal identification
7 card as established by the secretary of state under section 307 of
8 the Michigan vehicle code, 1949 PA 300, MCL 257.307, or section 1
9 of 1972 PA 222, MCL 28.291.

10 (ii) A ~~social security~~ **Social Security** card or ~~social security~~
11 **Social Security** number verification, if possible to obtain.

12 ~~(2) A prisoner's refusal to obtain or attempt to obtain the~~
13 ~~documents identified in subsection (1)(b) may be included as part~~
14 ~~of the prisoner's parole eligibility report, as provided in section~~
15 ~~35(7)(e).~~

16 (c) Providing prisoners with a written document that contains
17 all of the following information regarding voter registration and
18 election processes:

19 (i) That, under the laws of this state, an individual who is
20 released from confinement may, if otherwise eligible, register and
21 vote.

22 (ii) Specific information on voter registration and how to vote
23 in person on election day, in person during the early voting
24 period, or by absentee ballot.

25 (iii) The regular election dates as provided under section 641
26 of the Michigan election law, 1954 PA 116, MCL 168.641.

27 (2) ~~(3)~~ This section applies to all prisoners who are serving
28 a sentence under the jurisdiction of the department after ~~the~~
29 ~~effective date of the amendatory act that added this section~~

1 **February 23, 2012** who are eligible to obtain an operator's license
 2 under section 307 of the Michigan vehicle code, 1949 PA 300, MCL
 3 257.307, or ~~a~~**an official** state personal identification card under
 4 section 1 of 1972 PA 222, MCL 28.291.

5 (3) ~~(4)~~ The department shall include in writing to each
 6 prisoner the information described in section 14(9)(b) of chapter
 7 XI of the code of criminal procedure, 1927 PA 175, MCL 771.14,
 8 listing the identification documents referenced in subsection (1).
 9 For a prisoner who begins serving a sentence under the jurisdiction
 10 of the department after ~~the effective date of the amendatory act~~
 11 ~~that added this section,~~ **February 23, 2012**, the department shall
 12 provide that written information during reception center
 13 processing. For any prisoner who is under the jurisdiction of the
 14 department on ~~the effective date of the amendatory act that added~~
 15 ~~this section,~~ **February 23, 2012**, the department shall provide that
 16 written information as follows:

17 ~~(a) For a prisoner with less than 1 year remaining before~~
 18 ~~parole eligibility, within 90 days after that effective date.~~

19 ~~(b) For any other prisoner, the information shall be given at~~
 20 ~~the time the parole eligibility report is prepared.~~

21 (4) ~~(5)~~ The department shall allow the secretary of state to
 22 have electronic access to prisoner information for the purpose of
 23 verifying the identity of prisoners who apply for ~~driver licenses~~
 24 **an operator's license** or **an official** state personal identification
 25 ~~cards.~~**card.**

26 (5) ~~(6)~~ The reentry success fund is created within the state
 27 treasury. The state treasurer may receive money or other assets
 28 from any source for deposit into the fund. The state treasurer
 29 shall direct the investment of the fund. The state treasurer shall

1 credit to the fund interest and earnings from fund investments.
2 Money in the fund at the close of the fiscal year ~~shall~~**must** remain
3 in the fund and ~~shall~~**must** not lapse to the general fund. The
4 department ~~of corrections~~ shall expend money from the reentry
5 success fund, upon appropriation, only for the expenses of
6 performing the activities required by this section.

7 **(6) The secretary of state shall create a written document**
8 **that includes all of the information described in subsection**
9 **(1) (c) .**

10 Sec. 35. (1) The release of a prisoner on parole must be
11 granted solely upon the initiative of the parole board. There is no
12 entitlement to parole. The parole board may grant a parole without
13 interviewing the prisoner if, after evaluating the prisoner
14 according to the parole guidelines, the parole board determines
15 that the prisoner has a high probability of being paroled and the
16 parole board therefore intends to parole the prisoner. Except as
17 provided in subsection (2), a prisoner must not be denied parole
18 without an interview before 1 member of the parole board. The
19 interview must be conducted at least 1 month before the expiration
20 of the prisoner's minimum sentence less applicable good time and
21 disciplinary credits for a prisoner eligible for good time and
22 disciplinary credits, or at least 1 month before the expiration of
23 the prisoner's minimum sentence for a prisoner subject to
24 disciplinary time. The parole board shall consider any statement
25 made to the parole board by a crime victim under the William Van
26 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to
27 780.834, or under any other provision of law. The parole board
28 shall not consider any of the following factors in making a parole
29 determination:

1 (a) A juvenile record that a court has ordered the department
2 to expunge.

3 (b) Information that is determined by the parole board to be
4 inaccurate or irrelevant after a challenge and presentation of
5 relevant evidence by a prisoner who has received a notice of intent
6 to conduct an interview as provided in subsection (4). This
7 subdivision applies only to presentence investigation reports
8 prepared before April 1, 1983.

9 (2) If, after evaluating a prisoner according to the parole
10 guidelines, the parole board determines that the prisoner has a low
11 probability of being paroled and the parole board therefore does
12 not intend to parole the prisoner, the parole board is not required
13 to interview the prisoner before denying parole to the prisoner.

14 (3) The parole board may consider but shall not base a
15 determination to deny parole solely on either of the following:

16 (a) A prisoner's marital history.

17 (b) Prior arrests not resulting in conviction or adjudication
18 of delinquency.

19 (4) If an interview is to be conducted, the prisoner must be
20 sent a notice of intent to conduct an interview not less than 1
21 month before the date of the interview. The notice must state the
22 specific issues and concerns that will be discussed at the
23 interview and that may be a basis for a denial of parole. The
24 parole board shall not deny parole based on reasons other than
25 those stated in the notice of intent to conduct an interview except
26 for good cause stated to the prisoner at or before the interview
27 and in the written explanation required by subsection (18).

28 (5) Except for good cause, the parole board member conducting
29 the interview shall not have cast a vote for or against the

1 prisoner's release before conducting the current interview. Before
2 the interview, the parole board member who is to conduct the
3 interview shall review pertinent information relative to the notice
4 of intent to conduct an interview.

5 (6) A prisoner may waive the right to an interview by 1 member
6 of the parole board. The waiver of the right to be interviewed must
7 be in writing and given not more than 30 days after the notice of
8 intent to conduct an interview is issued. During the interview held
9 under a notice of intent to conduct an interview, the prisoner may
10 be represented by an individual of ~~his or her~~ **the prisoner's**
11 choice. The representative shall not be another prisoner or an
12 attorney. A prisoner is not entitled to appointed counsel at public
13 expense. The prisoner or representative may present relevant
14 evidence in support of release.

15 (7) ~~At least~~ **Not less than** 90 days before the expiration of
16 the prisoner's minimum sentence less applicable good time and
17 disciplinary credits for a prisoner eligible for good time or
18 disciplinary credits, or ~~at least~~ **not less than** 90 days before the
19 expiration of the prisoner's minimum sentence for a prisoner
20 subject to disciplinary time, or the expiration of a 12-month
21 continuance for any prisoner, or at the request of the parole board
22 for a prisoner being considered for parole under subsection (10),
23 the appropriate institutional staff shall prepare a parole
24 eligibility report. The parole eligibility report is considered
25 pertinent information for purposes of subsection (5). The report
26 must include all of the following:

27 (a) A statement of all major misconduct charges of which the
28 prisoner was found guilty and the punishment served for the
29 misconduct.

1 (b) The prisoner's work and educational record while confined.

2 (c) The results of any physical, mental, or psychiatric
3 examinations of the prisoner that may have been performed.

4 (d) Whether the prisoner fully cooperated with this state by
5 providing complete financial information as required under section
6 3a of the state correctional facility reimbursement act, 1935 PA
7 253, MCL 800.403a.

8 ~~(e) Whether the prisoner refused to attempt to obtain~~
9 ~~identification documents under section 34c, if applicable.~~

10 (e) ~~(f)~~ For a prisoner subject to disciplinary time, a
11 statement of all disciplinary time submitted for the parole board's
12 consideration under section 34 of 1893 PA 118, MCL 800.34.

13 (f) ~~(g)~~ The result on any validated risk assessment
14 instrument.

15 (8) The preparer of the report shall not include a
16 recommendation as to release on parole.

17 (9) Psychological evaluations performed at the request of the
18 parole board to assist it in reaching a decision on the release of
19 a prisoner may be performed by the same person who provided the
20 prisoner with therapeutic treatment, unless a different person is
21 requested by the prisoner or parole board.

22 (10) Except for a prisoner who was convicted of any crime that
23 is punishable by a term of life imprisonment without parole or of a
24 violation of section 520b of the Michigan penal code, 1931 PA 328,
25 MCL 750.520b, the parole board may grant a medical parole for a
26 prisoner determined to be medically frail. A decision to grant a
27 medical parole must be initiated on the recommendation of the
28 bureau of health care services. If the bureau of health care
29 services believes that the prisoner is medically frail, the bureau

1 shall utilize a specialist in the appropriate field of medicine,
2 who is not employed by the department, to evaluate the condition of
3 the prisoner and to report on that condition to the bureau. The
4 parole board, in consultation with the bureau of health care
5 services, shall determine whether the prisoner is medically frail.
6 If the parole board determines that a prisoner is medically frail
7 and is going to be considered for parole under this subsection, the
8 parole board shall provide the notice and medical records required
9 under section 34(18). Unless the prosecutor of the county from
10 which the prisoner was committed files a motion under section
11 34(19), the parole board may grant parole to a prisoner who is
12 determined to be medically frail. If a motion is filed under
13 section 34(19) and the court finds that the prisoner is eligible
14 for parole as a result of being medically frail, and if no
15 additional appeals are pending, the parole board may grant parole
16 to the prisoner under this subsection. The requirements of sections
17 33(1)(b), (c), (d), and (f), 33b, and 34(1), (2), (3), (4), (7),
18 (13), (14), (15), (16), and (17) do not apply to a parole granted
19 under this subsection.

20 (11) The following conditions apply to a parole granted under
21 subsection (10):

22 (a) A prisoner must only be released on parole under
23 subsection (10) if ~~he or she~~ **the prisoner** agrees to all of the
24 following:

25 (i) ~~His or her~~ **The parolee's** placement as approved by the
26 parole board, or, if the parolee is unable to consent because of
27 the parolee's physical or mental health condition, an individual
28 legally entitled to agree to the parolee's placement agrees to the
29 parolee's placement as approved by the parole board.

1 (ii) To the release of ~~his or her~~ **the prisoner's** medical
2 records that are directly relevant to the condition or conditions
3 rendering the prisoner medically frail to the prosecutor and
4 sentencing or successor judge of the county from which the prisoner
5 was committed before the parole board determines whether or not to
6 grant the prisoner parole under subsection (10).

7 (iii) An independent medical exam if sought by the prosecutor of
8 the county from which the prisoner was committed as provided under
9 section 34(19). If possible, this independent medical exam must
10 occur at a facility of the department. The reasonable costs of this
11 independent medical exam must be paid for by the department.

12 (b) The parolee shall adhere to the terms of ~~his or her~~ **the**
13 **parolee's** parole for the length of the parole term.

14 (c) The parole must be for a term not less than the time
15 necessary to reach the prisoner's earliest release date.

16 (d) If the parolee is medically frail as described under
17 subsection (20)(d)(ii) and placement of the parolee under
18 subdivision (a) is not in a medical facility, the parole board
19 shall require the parolee to be subject to electronic monitoring at
20 the time the parolee is released on parole. The parole board may
21 remove a requirement for a parolee to be subject to electronic
22 monitoring under this subdivision if the parole board determines
23 electronic monitoring is not necessary to protect public safety. A
24 requirement for electronic monitoring under this subdivision is in
25 addition to any other requirement for electronic monitoring or
26 monitoring by a global positioning monitoring system under another
27 law of this state.

28 (e) A parolee who violates the terms of ~~his or her~~ **the**
29 **parolee's** parole or is determined to no longer meet the definition

1 of medically frail may be transferred to a setting more appropriate
2 for the medical needs of the parolee or be subject to the parole
3 violation process under sections 38, 39, 39a, and 40a as determined
4 by the parole board and the department.

5 (f) If the parolee is placed in a medical facility under
6 subdivision (a), the parolee must only be placed in a medical
7 facility that agrees to accept the parolee.

8 (12) The department shall not retain authority over the
9 medical treatment plan for a prisoner granted parole under
10 subsection (10) and, if a prisoner granted parole under subsection
11 (10) is placed in a medical facility, the parolee must have full
12 patient rights at the medical facility.

13 (13) The department and the parole board shall ensure that the
14 placement and terms and conditions of a parole granted under
15 subsection (10) do not violate any other state or federal
16 regulations.

17 (14) A medical facility housing parolees granted parole under
18 subsection (10) must be operated in a manner that ensures the
19 safety of the residents of the medical facility.

20 (15) A parolee granted parole under subsection (10) and placed
21 in a medical facility has the same patient rights and
22 responsibilities as any other individual who is a resident of or
23 has been admitted to the medical facility. The medical facility is
24 not responsible for the enforcement of conditions of parole or the
25 reporting of violations of conditions of parole for any parolee
26 placed in the medical facility. The medical facility shall comply
27 with state and federal laws and regulations that protect resident
28 rights and state and federal laws and regulations for skilled
29 nursing facilities, regardless of the conditions of parole imposed

1 on a resident parolee.

2 (16) The process for a parole determination under subsection
3 (10) does not change or affect any of the rights afforded to a
4 victim under the William Van Regenmorter crime victim's rights act,
5 1985 PA 87, MCL 780.751 to 780.834.

6 (17) The department shall file a petition to the appropriate
7 court under section 434 of the mental health code, 1974 PA 258, MCL
8 330.1434, for any prisoner being paroled or being released after
9 serving ~~his or her~~ **the prisoner's** maximum sentence whom the
10 department considers to be a person requiring treatment. The parole
11 board shall require mental health treatment as a special condition
12 of parole for any parolee whom the department has determined to be
13 a person requiring treatment whether or not the petition filed for
14 that prisoner is granted by the court. As used in this subsection,
15 "person requiring treatment" means that term as defined in section
16 401 of the mental health code, 1974 PA 258, MCL 330.1401.

17 (18) When the parole board makes a final determination not to
18 release a prisoner, the parole board shall provide the prisoner
19 with a written explanation of the reason for denial and, if
20 appropriate, specific recommendations for corrective action the
21 prisoner may take to facilitate release.

22 (19) This section does not apply to the placement on parole of
23 a person in conjunction with special alternative incarceration
24 under section 34a(7).

25 (20) As used in this section:

26 (a) "Activities of daily living" means basic personal care and
27 everyday activities as described in 42 CFR 441.505, including, but
28 not limited to, tasks such as eating, toileting, grooming,
29 dressing, bathing, and transferring from 1 physical position to

1 another, including, but not limited to, moving from a reclining
2 position to a sitting or standing position.

3 (b) "Electronic monitoring" means that term as defined in
4 section 85.

5 (c) "Medical facility" means a hospital, hospice, nursing
6 home, or other housing accommodation providing medical treatment
7 suitable to the condition or conditions rendering a parolee
8 medically frail.

9 (d) "Medically frail" describes an individual who is a minimal
10 threat to society as a result of the individual's medical
11 condition, whose recent conduct in prison indicates the individual
12 is unlikely to engage in assaultive conduct, and who has 1 or more
13 of the following:

14 (i) A permanent physical disability or serious and complex
15 medical condition resulting in the inability to walk, stand, or sit
16 without personal assistance.

17 (ii) A terminal medical or neurological condition resulting in
18 a life expectancy of under 18 months.

19 (iii) A permanent disabling mental disorder, including dementia,
20 Alzheimer's, or a similar degenerative brain disorder that results
21 in the need for nursing home level of care, and a significantly
22 impaired ability to perform 2 or more activities of daily living.