

# SENATE BILL NO. 90

February 19, 2025, Introduced by Senators SANTANA, BAYER, CAVANAGH, IRWIN and SHINK and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1953 PA 232, entitled  
"Corrections code of 1953,"  
by amending sections 31a, 33, 33b, and 34 (MCL 791.231a, 791.233,  
791.233b, and 791.234), section 31a as added by 1992 PA 181,  
section 33 as amended by 2019 PA 14, section 33b as amended by 2019  
PA 16, and section 34 as amended by 2024 PA 111, and by adding  
sections 35a and 83a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 31a. (1) ~~Beginning October 1, 1992, there~~ **There** is  
2       established in the department ~~7~~ a parole board consisting of ~~10~~ **13**

1 members who ~~shall be~~ **are** appointed by the director and who ~~shall~~  
 2 **are** not ~~be~~ within the state civil service. **Not later than June 1,**  
 3 **2025, the director shall appoint the 3 additional members required**  
 4 **by the amendatory act that added this sentence.**

5 (2) Members of the parole board shall be appointed to terms of  
 6 4 years each. ~~, except that of the members first appointed, 4 shall~~  
 7 ~~serve for terms of 4 years each, 3 shall serve for terms of 3 years~~  
 8 ~~each, and 3 shall serve for terms of 2 year each. A member may be~~  
 9 ~~reappointed.~~ The director may remove a member of the parole board  
 10 for incompetency, dereliction of duty, malfeasance, misfeasance, or  
 11 nonfeasance in office. If a vacancy occurs on the parole board, the  
 12 director shall make an appointment for the unexpired term in the  
 13 same manner as an original appointment. At least 4 members of the  
 14 parole board ~~shall~~ **must** be ~~persons~~ **individuals** who, at the time of  
 15 their appointment, have never been employed by or appointed to a  
 16 position in the department. ~~of corrections.~~

17 (3) Each member of the parole board ~~shall~~ **must** receive an  
 18 annual salary as established by the legislature and ~~shall be~~ **is**  
 19 entitled to necessary traveling expenses incurred in the  
 20 performance of official duties subject to the standardized travel  
 21 regulations of the state.

22 (4) The **director shall designate the** chairperson of the parole  
 23 board. ~~shall be designated by the director.~~ The chairperson of the  
 24 parole board is responsible for the administration and operation of  
 25 the parole board. The chairperson may conduct interviews and  
 26 participate in the parole decision making process. The chairperson  
 27 shall select secretaries and other assistants as the chairperson  
 28 considers to be necessary.

29 (5) The parole board created in this section shall ~~exist for~~

~~purposes of appointment and training on October 1, 1992, and as of~~  
~~November 15, 1992, shall exercise and perform the powers and duties~~  
prescribed and conferred by this act.

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

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

(b) Except as provided in ~~section 34a and section~~ **sections 34a, 35(10), and 35a**, a parole must not be granted to a prisoner other than a prisoner subject to disciplinary time until the prisoner has served the minimum term imposed by the court less allowances for good time or special good time to which the prisoner may be entitled by statute, except that a prisoner other than a prisoner subject to disciplinary time is eligible for parole before the expiration of ~~his or her~~ **the** minimum term of imprisonment if the sentencing judge, or the judge's successor in office, gives written approval of the parole of the prisoner before the expiration of the minimum term of imprisonment.

(c) Except as provided in ~~section 34a and section~~ **sections 34a, 35(10), and 35a**, and notwithstanding the provisions of subdivision (b), a parole must not be granted to a prisoner other than a prisoner subject to disciplinary time sentenced for the commission of a crime described in section 33b(a) to (cc) until the prisoner has served the minimum term imposed by the court less an allowance for disciplinary credits as provided in section 33(5) of 1893 PA 118, MCL 800.33. A prisoner described in this subdivision

1 is not eligible for special parole.

2 (d) Except as provided in section 34a and section 35(10), a  
3 parole must not be granted to a prisoner subject to disciplinary  
4 time until the prisoner has served the minimum term imposed by the  
5 court.

6 (e) A prisoner must not be released on parole until the parole  
7 board has satisfactory evidence that arrangements have been made  
8 for such honorable and useful employment as the prisoner is capable  
9 of performing, for the prisoner's education, or for the prisoner's  
10 care if the prisoner is mentally or physically ill or  
11 incapacitated.

12 (f) Except as provided in section 35(10), a prisoner whose  
13 minimum term of imprisonment is 2 years or more must not be  
14 released on parole unless ~~he or she~~ **the prisoner** has either earned  
15 a high school diploma or a high school equivalency certificate. The  
16 director of the department may waive the restriction imposed by  
17 this subdivision as to any prisoner who is over the age of 65 or  
18 who was gainfully employed immediately before committing the crime  
19 for which ~~he or she~~ **the prisoner** was incarcerated. The department  
20 may also waive the restriction imposed by this subdivision as to  
21 any prisoner who has a learning disability, who does not have the  
22 necessary proficiency in English, or who for some other reason that  
23 is not the fault of the prisoner is unable to successfully complete  
24 the requirements for a high school diploma or a high school  
25 equivalency certificate. If the prisoner does not have the  
26 necessary proficiency in English, the department shall provide  
27 English language training for that prisoner necessary for the  
28 prisoner to begin working toward the completion of the requirements  
29 for a high school equivalency certificate. This subdivision applies

1 to prisoners sentenced for crimes committed after December 15,  
 2 1998. In providing an educational program leading to a high school  
 3 diploma or a high school equivalency certificate, the department  
 4 shall give priority to prisoners sentenced for crimes committed on  
 5 or before December 15, 1998.

6 (2) Paroles-in-custody to answer warrants filed by local or  
 7 out-of-state agencies, or immigration officials, are permissible if  
 8 an accredited agent of the agency filing the warrant calls for the  
 9 prisoner to be paroled in custody.

10 (3) The parole board may promulgate rules under the  
 11 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
 12 24.328, that are not inconsistent with this act with respect to  
 13 conditions imposed upon prisoners paroled under this act.

14 Sec. 33b. Except for a prisoner granted parole under ~~section~~  
 15 **sections 35(10) or 35a**, a person convicted and sentenced for the  
 16 commission of any of the following crimes other than a prisoner  
 17 subject to disciplinary time is not eligible for parole until the  
 18 person has served the minimum term imposed by the court less an  
 19 allowance for disciplinary credits as provided in section 33(5) of  
 20 1893 PA 118, MCL 800.33, and is not eligible for special parole:

21 (a) Section 13 of the Michigan penal code, 1931 PA 328, MCL  
 22 750.13.

23 (b) ~~Section~~**Former section** 14 of the Michigan penal code, 1931  
 24 PA 328. ~~, MCL 750.14.~~

25 (c) Section 72, 73, or 75 of the Michigan penal code, 1931 PA  
 26 328, MCL 750.72, 750.73, and 750.75.

27 (d) Section 82, 83, 84, 86, 87, 88, 89, or 90 of the Michigan  
 28 penal code, 1931 PA 328, MCL 750.82, 750.83, 750.84, 750.86,  
 29 750.87, 750.88, 750.89, and 750.90, or former section 80 of that

1 act.

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

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

6 (g) Section 135 or 136b(2) or (3) of the Michigan penal code,  
7 1931 PA 328, MCL 750.135 and 750.136b, or former section 136a of  
8 that act.

9 (h) Section 158 of the Michigan penal code, 1931 PA 328, MCL  
10 750.158.

11 (i) Section 160 of the Michigan penal code, 1931 PA 328, MCL  
12 750.160.

13 (j) Former section 171 of the Michigan penal code, 1931 PA  
14 328.

15 (k) Section 196 of the Michigan penal code, 1931 PA 328, MCL  
16 750.196, or former section 194 of that act.

17 (l) Section 204, 207, 209, or 213 of the Michigan penal code,  
18 1931 PA 328, MCL 750.204, 750.207, 750.209, and 750.213, or former  
19 section 205, 206 or 208 of that act.

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

22 (n) Section 316, 317, 321, 322, ~~323~~, 327, 328, or 329 of the  
23 Michigan penal code, 1931 PA 328, MCL 750.316, 750.317, 750.321,  
24 750.322, ~~750.323~~, 750.327, 750.328, and 750.329, or former section  
25 319 **or 323** of that act.

26 (o) Former section 333 of the Michigan penal code, 1931 PA  
27 328.

28 (p) Section 338, 338a, or 338b of the Michigan penal code,  
29 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, or former section

1 341 of that act.

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

4 (r) Section 357 of the Michigan penal code, 1931 PA 328, MCL  
5 750.357.

6 (s) Section 386 or 392 of the Michigan penal code, 1931 PA  
7 328, MCL 750.386 and 750.392.

8 (t) Section 397 or 397a of the Michigan penal code, 1931 PA  
9 328, MCL 750.397 and 750.397a.

10 (u) Section 436 of the Michigan penal code, 1931 PA 328, MCL  
11 750.436.

12 (v) Section 511 of the Michigan penal code, 1931 PA 328, MCL  
13 750.511, or former section 517 of that act.

14 (w) Section 520b, 520c, 520d, or 520g of the Michigan penal  
15 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520g.

16 (x) Section 529, 529a, 530, or 531 of the Michigan penal code,  
17 1931 PA 328, MCL 750.529, 750.529a, 750.530, and 750.531.

18 (y) Section 544 of the Michigan penal code, 1931 PA 328, MCL  
19 750.544, or former section 545a of that act.

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

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

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

24 (cc) Section 7401(2)(a) or (b) or 7402(2)(a) or (b) of the  
25 public health code, 1978 PA 368, MCL 333.7401 and 333.7402.

26 Sec. 34. (1) Except for a prisoner granted parole under  
27 section 35(10) or as provided in section 34a, a prisoner sentenced  
28 to an indeterminate sentence and confined in a state correctional  
29 facility with a minimum in terms of years other than a prisoner

1 subject to disciplinary time is subject to the jurisdiction of the  
2 parole board when the prisoner has served a period of time equal to  
3 the minimum sentence imposed by the court for the crime of which ~~he~~  
4 ~~or she~~ **the prisoner** was convicted, less good time and disciplinary  
5 credits, if applicable.

6 (2) Except for a prisoner granted parole under section 35(10)  
7 or as provided in section 34a, a prisoner subject to disciplinary  
8 time sentenced to an indeterminate sentence and confined in a state  
9 correctional facility with a minimum in terms of years is subject  
10 to the jurisdiction of the parole board when the prisoner has  
11 served a period of time equal to the minimum sentence imposed by  
12 the court for the crime of which ~~he or she~~ **the prisoner** was  
13 convicted.

14 (3) Except for a prisoner granted parole under section 35(10),  
15 if a prisoner other than a prisoner subject to disciplinary time is  
16 sentenced for consecutive terms, whether received at the same time  
17 or at any time during the life of the original sentence, the parole  
18 board has jurisdiction over the prisoner for purposes of parole  
19 when the prisoner has served the total time of the added minimum  
20 terms, less the good time and disciplinary credits allowed by  
21 statute. The maximum terms of the sentences must be added to  
22 compute the new maximum term under this subsection, and discharge  
23 must be issued only after the total of the maximum sentences has  
24 been served less good time and disciplinary credits, unless the  
25 prisoner is paroled and discharged upon satisfactory completion of  
26 the parole.

27 (4) Except for a prisoner granted parole under section 35(10),  
28 if a prisoner subject to disciplinary time is sentenced for  
29 consecutive terms, whether received at the same time or at any time



1 during the life of the original sentence, the parole board has  
2 jurisdiction over the prisoner for purposes of parole when the  
3 prisoner has served the total time of the added minimum terms. The  
4 maximum terms of the sentences must be added to compute the new  
5 maximum term under this subsection, and discharge must be issued  
6 only after the total of the maximum sentences has been served,  
7 unless the prisoner is paroled and discharged upon satisfactory  
8 completion of the parole.

9 (5) If a prisoner other than a prisoner subject to  
10 disciplinary time has 1 or more consecutive terms remaining to  
11 serve in addition to the term ~~he or she~~ **the prisoner** is serving,  
12 the parole board may terminate the sentence the prisoner is  
13 presently serving at any time after the minimum term of the  
14 sentence has been served.

15 (6) A prisoner sentenced to imprisonment for life for any of  
16 the following is not eligible for parole and is instead subject to  
17 the provisions of section 44 or 44a:

18 (a) ~~First~~ **Except as provided in section 35a, first** degree  
19 murder in violation of section 316 of the Michigan penal code, 1931  
20 PA 328, MCL 750.316.

21 (b) A violation of section 16(5) or 18(7) of the Michigan  
22 penal code, 1931 PA 328, MCL 750.16 and 750.18.

23 (c) A violation of chapter XXXIII of the Michigan penal code,  
24 1931 PA 328, MCL 750.200 to 750.212a.

25 (d) A violation of section 17764(7) of the public health code,  
26 1978 PA 368, MCL 333.17764.

27 (e) First degree criminal sexual conduct in violation of  
28 section 520b(2)(c) of the Michigan penal code, 1931 PA 328, MCL  
29 750.520b.

1 (f) Any other violation for which parole eligibility is  
2 expressly denied under a law of this state.

3 (7) Except for a prisoner granted parole under section 35(10),  
4 a prisoner sentenced to imprisonment for life, other than a  
5 prisoner described in subsection (6), is subject to the  
6 jurisdiction of the parole board and may be placed on parole  
7 according to the conditions prescribed in subsection (8) if ~~he or~~  
8 ~~she~~**the prisoner** meets any of the following criteria:

9 (a) Except as provided in subdivision (b) or (c), the prisoner  
10 has served 10 calendar years of the sentence for a crime committed  
11 before October 1, 1992 or 15 calendar years of the sentence for a  
12 crime committed on or after October 1, 1992.

13 (b) Except as provided in subsection (12), the prisoner has  
14 served 20 calendar years of a sentence for violating, or attempting  
15 or conspiring to violate, section 7401(2)(a)(i) of the public health  
16 code, 1978 PA 368, MCL 333.7401, and has another conviction for a  
17 serious crime.

18 (c) Except as provided in subsection (12), the prisoner has  
19 served 17-1/2 calendar years of the sentence for violating, or  
20 attempting or conspiring to violate, section 7401(2)(a)(i) of the  
21 public health code, 1978 PA 368, MCL 333.7401, and does not have  
22 another conviction for a serious crime.

23 (8) A parole granted to a prisoner under subsection (7) is  
24 subject to the following conditions:

25 (a) At the conclusion of 10 calendar years of the prisoner's  
26 sentence and thereafter as determined by the parole board until the  
27 prisoner is paroled, discharged, or deceased, and in accordance  
28 with the procedures described in subsection (9), 1 member of the  
29 parole board shall interview the prisoner. The interview schedule

1 prescribed in this subdivision applies to all prisoners to whom  
2 subsection (7) applies, regardless of the date on which they were  
3 sentenced.

4 (b) In addition to the interview schedule prescribed in  
5 subdivision (a), the parole board shall review the prisoner's file  
6 at the conclusion of 15 calendar years of the prisoner's sentence  
7 and every 5 years thereafter until the prisoner is paroled,  
8 discharged, or deceased. A prisoner whose file is to be reviewed  
9 under this subdivision must be notified of the upcoming file review  
10 at least 30 days before the file review takes place and must be  
11 allowed to submit written statements or documentary evidence for  
12 the parole board's consideration in conducting the file review.

13 (c) A decision to grant or deny parole to the prisoner must  
14 not be made until after a public hearing held in the manner  
15 prescribed for pardons and commutations in sections 44 and 45.  
16 Notice of the public hearing must be given to the sentencing judge,  
17 or the judge's successor in office. Parole must not be granted if  
18 the sentencing judge files written objections to the granting of  
19 the parole within 30 days of receipt of the notice of hearing, but  
20 the sentencing judge's written objections bar the granting of  
21 parole only if the sentencing judge is still in office in the court  
22 before which the prisoner was convicted and sentenced. A sentencing  
23 judge's successor in office may file written objections to the  
24 granting of parole, but a successor judge's objections must not bar  
25 the granting of parole under subsection (7). If written objections  
26 are filed by either the sentencing judge or the judge's successor  
27 in office, the objections must be made part of the prisoner's file.

28 (d) A parole granted under subsection (7) must be for a period  
29 of not less than 4 years and subject to the usual rules pertaining

1 to paroles granted by the parole board. A parole granted under  
2 subsection (7) is not valid until the transcript of the record is  
3 filed with the attorney general whose certification of receipt of  
4 the transcript must be returned to the office of the parole board  
5 within 5 days. Except for medical records protected under section  
6 2157 of the revised judicature act of 1961, 1961 PA 236, MCL  
7 600.2157, the file of a prisoner granted a parole under subsection  
8 (7) is a public record.

9 (9) An interview conducted under subsection (8)(a) is subject  
10 to both of the following requirements:

11 (a) The prisoner must be given written notice, not less than  
12 30 days before the interview date, stating that the interview will  
13 be conducted.

14 (b) The prisoner may be represented at the interview by an  
15 individual of ~~his or her~~ **the prisoner's** choice. The representative  
16 must not be another prisoner. A prisoner is not entitled to  
17 appointed counsel at public expense. The prisoner or representative  
18 may present relevant evidence in favor of holding a public hearing  
19 as allowed in subsection (8)(c).

20 (10) In determining whether a prisoner convicted of violating,  
21 or attempting or conspiring to violate, section 7401(2)(a)(i) of the  
22 public health code, 1978 PA 368, MCL 333.7401, and sentenced to  
23 imprisonment for life before October 1, 1998 is to be released on  
24 parole, the parole board shall consider all of the following:

25 (a) Whether the violation was part of a continuing series of  
26 violations of section 7401 or 7403 of the public health code, 1978  
27 PA 368, MCL 333.7401 and 333.7403, by that individual.

28 (b) Whether the violation was committed by the individual in  
29 concert with 5 or more other individuals.

1 (c) Any of the following:

2 (i) Whether the individual was a principal administrator,  
3 organizer, or leader of an entity that the individual knew or had  
4 reason to know was organized, in whole or in part, to commit  
5 violations of section 7401 or 7403 of the public health code, 1978  
6 PA 368, MCL 333.7401 and 333.7403, and whether the violation for  
7 which the individual was convicted was committed to further the  
8 interests of that entity.

9 (ii) Whether the individual was a principal administrator,  
10 organizer, or leader of an entity that the individual knew or had  
11 reason to know committed violations of section 7401 or 7403 of the  
12 public health code, 1978 PA 368, MCL 333.7401 and 333.7403, and  
13 whether the violation for which the individual was convicted was  
14 committed to further the interests of that entity.

15 (iii) Whether the violation was committed in a drug-free school  
16 zone.

17 (iv) Whether the violation involved the delivery of a  
18 controlled substance to an individual less than 17 years of age or  
19 possession with intent to deliver a controlled substance to an  
20 individual less than 17 years of age.

21 (11) Except as provided in subsection (19) and section 34a, a  
22 prisoner's release on parole is discretionary with the parole  
23 board. The action of the parole board in granting a parole is  
24 appealable by the prosecutor of the county from which the prisoner  
25 was committed or the victim of the crime for which the prisoner was  
26 convicted. The appeal must be to the circuit court in the county  
27 from which the prisoner was committed, by leave of the court.

28 (12) If the sentencing judge, or ~~his or her~~ **the judge's**  
29 successor in office, determines on the record that a prisoner

1 described in subsection (7) (b) or (c) sentenced to imprisonment for  
2 life for violating, or attempting or conspiring to violate, section  
3 7401(2) (a) (i) of the public health code, 1978 PA 368, MCL 333.7401,  
4 has cooperated with law enforcement, the prisoner is subject to the  
5 jurisdiction of the parole board and may be released on parole as  
6 provided in subsection (7) (b) or (c) 2-1/2 years earlier than the  
7 time otherwise indicated in subsection (7) (b) or (c). The prisoner  
8 is considered to have cooperated with law enforcement if the court  
9 determines on the record that the prisoner had no relevant or  
10 useful information to provide. The court shall not make a  
11 determination that the prisoner failed or refused to cooperate with  
12 law enforcement on grounds that the defendant exercised ~~his or her~~  
13 **the defendant's** constitutional right to trial by jury. If the court  
14 determines at sentencing that the defendant cooperated with law  
15 enforcement, the court shall include its determination in the  
16 judgment of sentence.

17 (13) Except for a prisoner granted parole under section 35(10)  
18 and notwithstanding subsections (1) and (2), a prisoner convicted  
19 of violating, or attempting or conspiring to violate, section  
20 7401(2) (a) (i) or 7403(2) (a) (i) of the public health code, 1978 PA  
21 368, MCL 333.7401 and 333.7403, whose offense occurred before March  
22 1, 2003, and who was sentenced to a term of years, is eligible for  
23 parole after serving 20 years of the sentence imposed for the  
24 violation if the individual has another serious crime or 17-1/2  
25 years of the sentence if the individual does not have another  
26 conviction for a serious crime, or after serving the minimum  
27 sentence imposed for that violation, whichever is less.

28 (14) Except for a prisoner granted parole under section 35(10)  
29 and notwithstanding subsections (1) and (2), a prisoner who was

1 convicted of violating, or attempting or conspiring to violate,  
2 section 7401(2)(a)(ii) or 7403(2)(a)(ii) of the public health code,  
3 1978 PA 368, MCL 333.7401 and 333.7403, whose offense occurred  
4 before March 1, 2003, and who was sentenced according to those  
5 sections as they existed before March 1, 2003, is eligible for  
6 parole after serving the minimum of each sentence imposed for that  
7 violation or 10 years of each sentence imposed for that violation,  
8 whichever is less.

9 (15) Except for a prisoner granted parole under section 35(10)  
10 and notwithstanding subsections (1) and (2), a prisoner who was  
11 convicted of violating, or attempting or conspiring to violate,  
12 section 7401(2)(a)(iii) or 7403(2)(a)(iii) of the public health code,  
13 1978 PA 368, MCL 333.7401 and 333.7403, whose offense occurred  
14 before March 1, 2003, and who was sentenced according to those  
15 sections as they existed before March 1, 2003, is eligible for  
16 parole after serving the minimum of each sentence imposed for that  
17 violation or 5 years of each sentence imposed for that violation,  
18 whichever is less.

19 (16) Except for a prisoner granted parole under section 35(10)  
20 and notwithstanding subsections (1) and (2), a prisoner who was  
21 convicted of violating, or attempting or conspiring to violate,  
22 section 7401(2)(a)(iv) or 7403(2)(a)(iv) of the public health code,  
23 1978 PA 368, MCL 333.7401 and 333.7403, whose offense occurred  
24 before March 1, 2003, who was sentenced according to those sections  
25 of law as they existed before March 1, 2003 to consecutive terms of  
26 imprisonment for 2 or more violations of section 7401(2)(a) or  
27 7403(2)(a) of the public health code, 1978 PA 368, MCL 333.7401 and  
28 333.7403, is eligible for parole after serving 1/2 of the minimum  
29 sentence imposed for each violation of section 7401(2)(a)(iv) or

1 7403(2) (a) (iv) of the public health code, 1978 PA 368, MCL 333.7401  
2 and 333.7403. This subsection applies only to sentences imposed for  
3 violations of section 7401(2) (a) (iv) or 7403(2) (a) (iv) of the public  
4 health code, 1978 PA 368, MCL 333.7401 and 333.7403, and does not  
5 apply if the sentence was imposed for a conviction for a new  
6 offense committed while the individual was on probation or parole.

7 (17) Except for a prisoner granted parole under section 35(10)  
8 and notwithstanding subsections (1) and (2), a prisoner who was  
9 convicted of violating, or attempting or conspiring to violate,  
10 section 7401(2) (a) (ii) or (iii) or 7403(2) (a) (ii) or (iii) of the public  
11 health code, 1978 PA 368, MCL 333.7401 and 333.7403, who had a  
12 prior conviction for a violation of section 7401(2) (a) (ii) or (iii) or  
13 7403(2) (a) (ii) or (iii) of the public health code, 1978 PA 368, MCL  
14 333.7401 and 333.7403, and who was sentenced to life without parole  
15 under section 7413(1) of the public health code, 1978 PA 368, MCL  
16 333.7413, according to that section as it existed before March 28,  
17 2018 is eligible for parole after serving 5 years of each sentence  
18 imposed for that violation.

19 (18) The parole board shall provide notice to the prosecuting  
20 attorney of the county in which the prisoner was convicted before  
21 granting parole to the prisoner under subsection (13), (14), (15),  
22 (16), or (17) or under section 35(10). The parole board shall  
23 provide the relevant medical records to the prosecuting attorney of  
24 the county in which the prisoner was convicted for a prisoner being  
25 considered for parole under section 35(10) at the same time the  
26 parole board provides the notice required under this subsection.  
27 The parole board shall also provide notice to any known victim or,  
28 in the case of a homicide, the victim's immediate family, that it  
29 is considering a prisoner for parole under section 35(10) at the



1 same time it provides notice to the prosecuting attorney under this  
2 subsection.

3 (19) The prosecuting attorney or victim or, in the case of a  
4 homicide, the victim's immediate family, may object to the parole  
5 board's decision to recommend parole by filing a motion in the  
6 circuit court in the county in which the prisoner was convicted  
7 within 30 days of receiving notice under subsection (18). Upon  
8 notification under subsection (18) and request by the victim, or,  
9 in the case of a homicide, the victim's immediate family, the  
10 prosecuting attorney must confer with the victim, or in the case of  
11 a homicide, the victim's immediate family, before making a decision  
12 regarding whether or not to object to the parole board's  
13 determination. A motion filed under this subsection must be heard  
14 by the sentencing judge or the judge's successor in office. The  
15 prosecuting attorney shall inform the parole board if a motion was  
16 filed under this subsection. A prosecutor who files a motion under  
17 this subsection may seek an independent medical examination of the  
18 prisoner being considered for parole under section 35(10). If an  
19 appeal is initiated under this subsection, a subsequent appeal  
20 under subsection (11) may not be initiated upon the granting of  
21 parole.

22 (20) Both of the following apply to a hearing conducted on a  
23 motion filed under subsection (19):

24 (a) The prosecutor and the parole board may present evidence  
25 in support of or in opposition to the determination that a prisoner  
26 is medically frail, including the results of any independent  
27 medical examination.

28 (b) The sentencing judge or the judge's successor shall  
29 determine whether the prisoner is eligible for parole as a result

1 of being medically frail.

2 (21) The decision of the sentencing judge or the judge's  
3 successor on a motion filed under subsection (19) is binding on the  
4 parole board with respect to whether a prisoner must be considered  
5 medically frail or not. However, the decision of the sentencing  
6 judge or the judge's successor is subject to appeal by leave to the  
7 court of appeals granted to the department, the prosecuting  
8 attorney, or the victim or victim's immediate family in the case of  
9 a homicide.

10 (22) As used in this section:

11 (a) "Medically frail" means that term as defined in section  
12 35.

13 (b) "Serious crime" means violating or conspiring to violate  
14 article 7 of the public health code, 1978 PA 368, MCL 333.7101 to  
15 333.7545, that is punishable by imprisonment for more than 4 years,  
16 or an offense against a person in violation of section 83, 84, 86,  
17 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d,  
18 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328,  
19 MCL 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.316,  
20 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b,  
21 750.520c, 750.520d, 750.520g, 750.529, 750.529a, and 750.530.

22 (c) "State correctional facility" means a facility that houses  
23 prisoners committed to the jurisdiction of the department.

24 **Sec. 35a. A prisoner who was convicted of first degree murder**  
25 **in violation of section 316 of the Michigan penal code, 1931 PA**  
26 **328, MCL 750.316, under a felony-murder theory of prosecution**  
27 **before November 4, 1980, and who is serving a sentence of**  
28 **imprisonment for life is subject to the jurisdiction of the parole**  
29 **board after serving 40 years of the prisoner's sentence.**

1       Sec. 83a. The department shall provide reentry housing to a  
2 prisoner who is granted parole under section 35a and who does not  
3 otherwise have housing available.

4       Enacting section 1. This amendatory act does not take effect  
5 unless Senate Bill No. 89 of the 103rd Legislature is enacted into  
6 law.