

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.258c Common types of supervision violations; list of presumptive graduated sanctions; factors; process to review and approve or reject; confinement sanction.

Sec. 58c. (1) Subject to subsection (3), the parole sanction certainty program described in section 58b must set forth a list of presumptive graduated sanctions for the most common types of supervision violations, including, but not limited to, failing to report, failing to participate in a required program or service, failing to complete community service, failing to refrain from the use of alcohol or a controlled substance, failing to pay fines, fees, or victim restitution, violating a protective or no-contact order, refusing to complete a drug test, possessing a firearm, or being involved in felony-related activity. The system of graduated sanctions must take into account factors such as the severity of the violation, the impact of the violation on the safety or well-being of the crime victim, if applicable, the supervised individual's previous criminal record, the number and severity of any previous supervision violations, the supervised individual's assessed risk level, the supervised individual's needs as established by a validated risk and needs assessment, and the extent to which graduated sanctions were imposed for previous violations. The system must also define positive reinforcements that supervised individuals will receive for complying with their conditions of supervision.

(2) Subject to subsection (3), the department shall establish a process to review and to approve or reject, before imposition, graduated sanctions that deviate from those that are otherwise prescribed under subsection (1).

(3) A supervised individual who violates the terms of his or her parole sanction certainty supervision, but whose parole will not be revoked under section 40a as a result of the violation, may be subject to a confinement sanction and be confined in a correctional or detention facility for not more than 60 days. After a supervised individual completes his or her confinement under this subsection, he or she may be returned to parole sanction certainty supervision under the same terms of supervision under which he or she was previously supervised, or under new parole sanction certainty supervision terms at the discretion of the department.

(4) Nothing in this chapter prevents the arrest of a parolee under section 39 or the revocation of parole under section 40a.

History: Add. 2017, Act 1, Eff. June 29, 2017.

Popular name: Department of Corrections Act