

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.265h Placement in community corrections center or community residential home; community status criteria; location of center; prisoner population; curfew; random checks.

Sec. 65h. (1) A prisoner who does not meet the community status criteria shall not be placed in a community corrections center or community residential home. The community status criteria include all of the following requirements:

(a) The prisoner has been given a level I security classification by the department's bureau of correctional facilities, on a scale of 6 levels in which level I is the least restrictive level.

(b) The prisoner is not serving a sentence for conviction of a crime of escape under section 193 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.193 of the Michigan Compiled Laws.

(c) The prisoner is not serving a sentence for conviction of a criminal sexual conduct offense listed in section 2a(1) of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 769.2a of the Michigan Compiled Laws.

(d) The prisoner is not classified as a very high assault risk according to the department's risk screening criteria.

(e) The prisoner does not have any pending felony charges against him or her, and is not subject to a detainer request from another jurisdiction by which the prisoner, upon his or her release, would be returned to that other jurisdiction to begin serving another felony sentence.

(f) The prisoner has not been given a special designation by the department which would prevent his or her placement.

(g) If the prisoner is serving a sentence for conviction of a crime of violence or an assaultive crime, as defined by rules of the department, the prisoner has less than 180 days remaining on his or her minimum sentence, and otherwise meets the community placement requirements of section 65a.

(h) If the prisoner is not subject to the 180-day rule described in subdivision (g), the prisoner is being placed no earlier in that prisoner's sentence than is allowed by the administrative rules of the department.

(2) Except as provided in subsections (3) and (4), a prisoner who is placed in a community corrections center shall be placed in a center that is located in 1 of the following:

(a) The county of the prisoner's most recent residence as listed on the prisoner's presentence report.

(b) A county in which the prisoner's spouse, parent, grandparent, brother, sister, or child resides.

(3) Subsection (2) does not prohibit the department from operating a community corrections center that serves more than 1 county. Any prisoner placed in such a center shall meet the conditions of subsection (2)(a) or (b) of the counties the center serves.

(4) Notwithstanding subsection (2), not more than 10% of the prisoner population of any community corrections center, at any 1 time, may consist of prisoners who would not be placed in that community corrections center according to the provisions of subsection (2).

(5) The department shall establish a curfew for every prisoner placed in a community corrections center.

(6) Random checks shall be conducted for all prisoners who are allowed off the premises of the community corrections center for purposes of employment, seeking employment, attending school, receiving treatment, or for any other approved reason. The random checks shall be for the purpose of verifying that each prisoner allowed off the premises is participating as scheduled in the function for which he or she is allowed off the premises.

History: Add. 1990, Act 353, Imd. Eff. Dec. 26, 1990.

Popular name: Department of Corrections Act