

Act No. 185
Public Acts of 1989
Approved by the Governor
August 23, 1989
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STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989

Introduced by Senators Welborn, Dingell, Nichols, Pollack, Carl, Schwarz, Binsfeld, J. Hart, Geo. Hart, Fredricks, Cropsey, Dillingham, Barcia, Posthumus, Kelly, DiNello, DeGrow, Miller and O'Brien

ENROLLED SENATE BILL No. 192

AN ACT to amend section 36 of Act No. 232 of the Public Acts of 1953, entitled as amended "An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," as amended by Act No. 85 of the Public Acts of 1985, being section 791.236 of the Michigan Compiled Laws; and to add section 36a.

The People of the State of Michigan enact:

Section 1. Section 36 of Act No. 232 of the Public Acts of 1953, as amended by Act No. 85 of the Public Acts of 1985, being section 791.236 of the Michigan Compiled Laws, is amended and section 36a is added to read as follows:

Sec. 36. (1) All paroles shall be ordered by the parole board and shall be signed by the chairperson. Written notice of the order shall be given to the sheriff or other police officer of the municipality or county in which the prisoner was convicted, and to the sheriff or other local police officer of the municipality or county to which the paroled prisoner is sent.

(2) An order of parole may be amended or rescinded at the discretion of the parole board for cause. A parole shall not be rescinded unless an interview is conducted by 1 member of the parole board. The purpose of the interview shall be to consider and act upon information received by the board subsequent to the original parole release decision. A rescission interview shall be conducted within 45 days of receipt of the new information. At least 10 days before the interview, the parolee shall receive a copy or summary of the new evidence which is the basis for the interview. An amendment to a parole order shall be in writing and shall not be effective until notice of the amendment is given to the parolee.

(3) When an order for parole is issued, the order shall contain the conditions of the parole and shall specifically provide proper means of supervision of the paroled prisoner in accordance with the rules of the bureau of field services.

(4) The order of parole shall contain a condition to pay restitution to, or perform services for, the victim of the prisoner's crime or the victim's estate if the prisoner has been sentenced to make restitution pursuant to the crime victim's rights act, Act No. 87 of the Public Acts of 1985, being sections 780.751 to 780.834 of the Michigan Compiled Laws, or chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 769.1 to 769.28 of the Michigan Compiled Laws.

(5) The order of parole shall contain a condition requiring the parolee to pay a parole oversight fee or perform community service, as prescribed in section 36a.

Sec. 36a. (1) Except as otherwise provided in subsection (2), the parole board shall include in each order of parole that the department of corrections shall collect a parole oversight fee of \$30.00 per month from the parolee. Amounts collected in excess of the amount needed to support the operation of the probation and parole supervision program as provided in the annual appropriations act shall be deposited in the general fund.

(2) The parole board may order that a parolee perform community service for not more than 10 hours per month instead of paying a parole oversight fee if, at the time the parole order is entered, either of the following circumstances applies to that parolee:

(a) The imposition of the parole oversight fee, in combination with all of the parolee's court-ordered payments, would exceed 50% of the parolee's monthly net income.

(b) Even if the 50% limit in subdivision (a) is not exceeded, it appears to the parole board that the parolee is not able, or will not be able, to pay the parole oversight fee. The parole board shall take into account the financial resources of the parolee and the nature of the burden that payment of the parole oversight fee will impose, with due regard for the parolee's other obligations.

(3) At any time during the period covered by the parole order, the parole board may reduce the amount of the parole oversight fee, or suspend payment of the parole oversight fee, if it appears to the parole board that the circumstances prescribed in subsection (2) apply to that parolee. If the parole board reduces or suspends a parole oversight fee, the parole board shall require instead that the parolee perform community service for not more than 10 hours for the month that the fee is reduced or suspended. The parole board may reinstate a parole oversight fee that has been decreased or suspended or may order that a parolee performing community service pursuant to subsection (2) begin instead to pay a parole oversight fee, if it appears to the parole board that the circumstances prescribed in subsection (2) no longer apply.

(4) A parole oversight fee required under this section shall be paid in the following order of priority in relation to any court-ordered payments to which the parolee is subject:

(a) First, any family support order.

(b) Second, any order of restitution or compensation for crime victims.

(c) Third, the parole oversight fee.

(d) Fourth, any other court-ordered payments.

(5) If a parolee is found by the parole board to have willfully defaulted in his or her obligation to pay a parole oversight fee, the unpaid parole oversight fee may be recovered by the department of treasury pursuant to section 30a of Act No. 122 of the Public Acts of 1941, being section 205.30a of the Michigan Compiled Laws; or the attorney general, on behalf of the state, may bring an action for the reimbursement to the state of unpaid parole oversight fees, and may use any remedy, interim order, or enforcement procedure allowed by law or court rule to enforce a judgment in favor of the state for that purpose.

Section 2. This amendatory act shall take effect October 1, 1989.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved.....

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Governor.

