

HOUSE BILL No. 4961

July 11, 1989, Introduced by Reps. Pitoniak, Hart, Stupak, Kosteva, DeBeaussiaert, Gire, Keith, Palamara, Bennett, Porreca, Niederstadt, DeMars, Sofio, Berman, Weeks, Bartnik, Barns, Profit, Martin, Hoffman, Mathieu, Maynard, Krause, DeLange, Stacey, Miller, Webb, Owen, Dolan, Bender, Randall, Fitzgerald, Crandall and Bankes and referred to the Committee on Corrections.

A bill 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:

1 Section 1. Section 36 of Act No. 232 of the Public Acts of
2 1953, as amended by Act No. 85 of the Public Acts of 1985, being
3 section 791.236 of the Michigan Compiled Laws, is amended and
4 section 36a is added to read as follows:

5 Sec. 36. (1) All paroles shall be ordered by the parole
6 board and shall be signed by the chairperson. Written notice of
7 the order shall be given TO the sheriff or other police officer
8 of the municipality or county in which the prisoner was con-
9 victed, and to the sheriff or other local police officer of the
10 municipality or county to which the paroled prisoner is sent.

11 (2) An order of parole may be amended or rescinded at the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13 rescinded unless an interview is conducted by 1 member of the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

23 (3) When an order for parole is issued, the order shall con-
24 tain the conditions of the parole and shall specifically provide
25 proper means of supervision of the paroled prisoner in accordance
26 with the rules of the bureau of field services.

1 (4) The order of parole shall contain a condition to pay
2 restitution to, or perform services for, the victim of the
3 prisoner's crime or the victim's estate if the prisoner has been
4 sentenced to make restitution pursuant to the crime victim's
5 rights act, ACT NO. 87 OF THE PUBLIC ACTS OF 1985, BEING SECTIONS
6 780.751 TO 780.834 OF THE MICHIGAN COMPILED LAWS, or chapter IX
7 of the code of criminal procedure, Act No. 175 of the Public Acts
8 of 1927, being sections 769.1 to 769.28 of the Michigan Compiled
9 Laws.

10 (5) THE ORDER OF PAROLE SHALL CONTAIN A CONDITION REQUIRING
11 THE PAROLEE TO PAY A PAROLE OVERSIGHT FEE OR PERFORM COMMUNITY
12 SERVICE, AS PRESCRIBED IN SECTION 36A.

13 SEC. 36A. (1) EXCEPT AS OTHERWISE PROVIDED IN
14 SUBSECTION (2), THE PAROLE BOARD SHALL INCLUDE IN EACH ORDER OF
15 PAROLE THAT THE BUREAU OF FIELD SERVICES OF THE DEPARTMENT OF
16 CORRECTIONS, OR ITS SUCCESSOR BUREAU OR DIVISION WITHIN THE
17 DEPARTMENT OF CORRECTIONS, SHALL COLLECT A PAROLE OVERSIGHT FEE
18 OF \$30.00 PER MONTH FROM THE PAROLEE. THE DEPARTMENT SHALL REMIT
19 THE FEES COLLECTED UNDER THIS SECTION TO THE STATE TREASURER FOR
20 CREDIT TO THE STATE GENERAL FUND.

21 (2) THE PAROLE BOARD MAY ORDER THAT A PAROLEE PERFORM COMMU-
22 NITY SERVICE FOR NOT MORE THAN 10 HOURS PER MONTH INSTEAD OF
23 PAYING A PAROLE OVERSIGHT FEE IF, AT THE TIME THE PAROLE ORDER IS
24 ENTERED, EITHER OF THE FOLLOWING CIRCUMSTANCES APPLIES TO THAT
25 PAROLEE:

26 (A) THE IMPOSITION OF THE PAROLE OVERSIGHT FEE, IN
27 COMBINATION WITH ALL OF THE PAROLEE'S COURT-ORDERED PAYMENTS,

1 WOULD EXCEED 50% OF THE PAROLEE'S MONTHLY NET INCOME FROM
2 EMPLOYMENT.

3 (B) EVEN IF THE 50% LIMIT IN SUBDIVISION (A) IS NOT
4 EXCEEDED, IT APPEARS TO THE PAROLE BOARD THAT THE PAROLEE IS NOT
5 ABLE, OR WILL NOT BE ABLE, TO PAY THE PAROLE OVERSIGHT FEE. THE
6 PAROLE BOARD SHALL TAKE INTO ACCOUNT THE FINANCIAL RESOURCES OF
7 THE PAROLEE AND THE NATURE OF THE BURDEN THAT PAYMENT OF THE
8 PAROLE OVERSIGHT FEE WILL IMPOSE, WITH DUE REGARD FOR THE
9 PAROLEE'S OTHER OBLIGATIONS.

10 (3) AT ANY TIME DURING THE PERIOD COVERED BY THE PAROLE
11 ORDER, THE PAROLE BOARD MAY REDUCE THE AMOUNT OF THE PAROLE OVER-
12 SIGHT FEE, OR SUSPEND PAYMENT OF THE PAROLE OVERSIGHT FEE, IF IT
13 APPEARS TO THE PAROLE BOARD THAT THE CIRCUMSTANCES PRESCRIBED IN
14 SUBSECTION (2) APPLY TO THAT PAROLEE. IF THE PAROLE BOARD SUS-
15 PENDS A PAROLE OVERSIGHT FEE, THE PAROLE BOARD SHALL REQUIRE
16 INSTEAD THAT THE PAROLEE PERFORM COMMUNITY SERVICE FOR NOT MORE
17 THAN 10 HOURS PER MONTH. THE PAROLE BOARD MAY REINSTATE A PAROLE
18 OVERSIGHT FEE THAT HAS BEEN DECREASED OR SUSPENDED OR MAY ORDER
19 THAT A PAROLEE PERFORMING COMMUNITY SERVICE PURSUANT TO
20 SUBSECTION (2) BEGIN INSTEAD TO PAY A PAROLE OVERSIGHT FEE, IF IT
21 APPEARS TO THE PAROLE BOARD THAT THE CIRCUMSTANCES PRESCRIBED IN
22 SUBSECTION (2) NO LONGER APPLY.

23 (4) A PAROLE OVERSIGHT FEE REQUIRED UNDER THIS SECTION SHALL
24 BE PAID IN THE FOLLOWING ORDER OF PRIORITY IN RELATION TO ANY
25 COURT-ORDERED PAYMENTS TO WHICH THE PAROLEE IS SUBJECT:

26 (A) FIRST, ANY FAMILY SUPPORT ORDER.

1 (B) SECOND, ANY ORDER OF RESTITUTION OR COMPENSATION FOR
2 CRIME VICTIMS.

3 (C) THIRD, THE PAROLE OVERSIGHT FEE.

4 (D) FOURTH, ANY OTHER COURT-ORDERED PAYMENTS.

5 (5) IF A PAROLEE IS FOUND BY THE PAROLE BOARD TO HAVE WILL-
6 FULLY DEFAULTED IN HIS OR HER OBLIGATION TO PAY A PAROLE OVER-
7 SIGHT FEE, THE UNPAID PAROLE OVERSIGHT FEE MAY BE RECOVERED BY
8 THE DEPARTMENT OF TREASURY PURSUANT TO SECTION 30A OF ACT NO. 122
9 OF THE PUBLIC ACTS OF 1941, BEING SECTION 205.30A OF THE MICHIGAN
10 COMPILED LAWS; OR THE ATTORNEY GENERAL, ON BEHALF OF THE STATE,
11 MAY BRING AN ACTION IN CIRCUIT COURT FOR THE REIMBURSEMENT TO THE
12 STATE OF UNPAID PAROLE OVERSIGHT FEES, AND MAY USE ANY REMEDY,
13 INTERIM ORDER, OR ENFORCEMENT PROCEDURE ALLOWED BY LAW OR COURT
14 RULE TO ENFORCE A JUDGMENT IN FAVOR OF THE STATE FOR THAT
15 PURPOSE.