

HOUSE BILL No. 5303

November 15, 1989, Introduced by Rep. Randall and referred to the Committee on Corrections.

A bill to amend sections 2 and 4 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,"

section 2 as amended by Act No. 79 of the Public Acts of 1987, being sections 791.202 and 791.204 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 4 of Act No. 232 of the Public
2 Acts of 1953, section 2 as amended by Act No. 79 of the Public
3 Acts of 1987, being sections 791.202 and 791.204 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 2. (1) The commission shall elect annually a chair-
6 person and other officers as it considers expedient. A meeting
7 shall be held not less than once each month or at other times as
8 considered necessary. A majority of the total membership of the
9 commission ~~shall constitute~~ IS a quorum for the transaction of
10 business. The commission ~~shall constitute~~ IS the responsible
11 authority for the administration of the correctional facilities,
12 correctional industries, parole, and probation of the state,
13 subject to the limitations set forth in this act. ~~The~~ EXCEPT
14 AS PROVIDED IN SECTION 4, THE commission shall determine all mat-
15 ters relating to the unified development of the correctional
16 facilities, correctional industries, parole, and probation of the
17 state and shall coordinate and adjust the agencies and correc-
18 tional facilities within its jurisdiction so that each shall form
19 an integral part of a general system.

20 (2) The business which the commission may perform shall be
21 conducted at a public meeting held in compliance with THE OPENING
22 MEETINGS ACT, Act No. 267 of the Public Acts of 1976, being sec-
23 tions 15.261 to 15.275 of the Michigan Compiled Laws. Public
24 notice of the time, date, and place of the meeting shall be given
25 in the manner required by Act No. 267 of the Public Acts of
26 1976.

1 Sec. 4. (1) Subject to constitutional powers vested in the
2 executive and judicial departments of the state, the department
3 ~~shall have~~ HAS exclusive jurisdiction over the following:

4 (a) Probation officers of this state ~~—~~ and the administra-
5 tion of all orders of probation. ~~—~~

6 (b) ~~pardons~~ PARDONS, reprieves, commutations, and
7 paroles. ~~—, and~~

8 (c) EXCEPT AS PROVIDED IN SUBSECTION (2), penal institu-
9 tions, correctional farms, probation recovery camps, prison labor
10 and industry, wayward minor programs and youthful trainee
11 institutions, and programs for the care and supervision of youth-
12 ful trainees.

13 (2) AN INSTITUTION OR FACILITY THAT IS UNDER THE JURISDIC-
14 TION OF THE DEPARTMENT, BUT THAT IS NOT OWNED, MAINTAINED,
15 STAFFED, AND OPERATED BY THE DEPARTMENT, SHALL COMPLY WITH LOCAL
16 ZONING ORDINANCES.