

# HOUSE BILL No. 6124

November 8, 1990, Introduced by Reps. Gire, Webb and Rocca and referred to the Committee on Corrections.

A bill to amend section 65a 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. 272 of the Public Acts of 1988, being section 791.265a of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. Section 65a of Act No. 232 of the Public Acts of  
2 1953, as amended by Act No. 272 of the Public Acts of 1988, being  
3 section 791.265a of the Michigan Compiled Laws, is amended to  
4 read as follows:

5       Sec. 65a. (1) Under prescribed conditions, the director may  
6 extend the limits of confinement of a prisoner, when there is  
7 reasonable assurance, after consideration of all facts and cir-  
8 cumstances, that the prisoner will not become a menace to society  
9 or to the public safety, by authorizing the prisoner to do any of  
10 the following:

11       (a) Visit a specifically designated place or places. An  
12 extension of limits may be granted only to a prisoner housed in a  
13 state correctional facility to permit a visit to a critically ill  
14 relative, attendance at the funeral of a relative, or the con-  
15 tacting of prospective employers. The maximum amount of time a  
16 prisoner is eligible for an extension of the limits of confine-  
17 ment under this subdivision shall not exceed a cumulative total  
18 period of 30 days. On or before December 31, 1989, the depart-  
19 ment shall report to the standing committee of the senate and  
20 house of representatives having jurisdiction over corrections the  
21 number of prisoners who are under this subdivision, the amount of  
22 time each prisoner is released, and any major misconducts or  
23 crimes committed by a prisoner released under this subparagraph  
24 between December 1, 1988 and December 1, 1989.

25       (b) Obtain medical services not otherwise available to a  
26 prisoner housed in a state correctional facility.

1 (c) ~~Work~~ IF THE PRISONER IS NOT SERVING A SENTENCE FOR AN  
2 ASSAULTIVE OR VIOLENT CRIME, WORK at paid employment, participate  
3 in a training or educational program, or participate in a commu-  
4 nity residential drug treatment program while continuing as a  
5 prisoner housed on a voluntary basis at a community corrections  
6 center or in a community residential home.

7 (2) The director shall promulgate rules to implement this  
8 section.

9 (3) The willful failure of a prisoner to remain within the  
10 extended limits of his or her confinement or to return within the  
11 time prescribed to an institution or facility designated by the  
12 director shall be ~~deemed~~ CONSIDERED an escape from custody as  
13 provided in section 193 of the Michigan penal code, Act No. 328  
14 of the Public Acts of 1931, as amended, being section 750.193 of  
15 the Michigan Compiled Laws.

16 (4) ~~Prisoners~~ A PRISONER convicted of a crime of violence  
17 or ~~any~~ AN assaultive crime shall not be eligible for the exten-  
18 sions of the limits of confinement provided in subsection ~~(1)~~  
19 (1)(A) OR (B) until ~~such time as~~ the minimum sentence imposed  
20 for the crime has less than 180 days remaining, except that if  
21 the reason for the extension is to visit a critically ill rela-  
22 tive, attend the funeral of a relative, or obtain medical serv-  
23 ices not otherwise available, the director may allow the exten-  
24 sion under escort as provided in subsection (1). A PRISONER CON-  
25 VICTED OF A CRIME OF VIOLENCE OR AN ASSAULTIVE CRIME IS NOT ELI-  
26 GIBLE TO BE HOUSED IN A COMMUNITY CORRECTIONS CENTER OR A  
27 COMMUNITY RESIDENTIAL HOME.

1       (5) ~~Prisoners~~ A PRISONER serving a sentence for murder in  
2 the first degree shall not be eligible for the extensions of con-  
3 finement under this section until a parole release date is estab-  
4 lished by the parole board and in no case prior to ~~service of~~  
5 SERVING 15 calendar years with a good institutional adjustment.

6       (6) As used in this section:

7       (a) "Community corrections center" means a facility either  
8 contracted for or operated by the department in which a security  
9 staff is on duty 7 days per week, 24 hours per day. ~~except that~~  
10 ~~the department may waive the requirement that electronic monitor-~~  
11 ~~ing be provided as to any prisoner who is within 3 months of his~~  
12 ~~or her parole date.~~

13       (b) "Community residential home" means a facility where  
14 electronic monitoring of prisoner presence is provided by the  
15 department 7 days per week, 24 hours per day, EXCEPT THAT THE  
16 DEPARTMENT MAY WAIVE THE REQUIREMENT THAT ELECTRONIC MONITORING  
17 BE PROVIDED AS TO ANY PRISONER WHO IS WITHIN 3 MONTHS OF HIS OR  
18 HER PAROLE DATE.

19       (c) "State correctional facility" means a facility owned or  
20 leased by the department. State correctional facility does not  
21 include a community corrections center or community residential  
22 home.