

SENATE BILL No. 439

May 9, 1989, Introduced by Senators CARL and WELBORN
and referred to the Committee on Criminal Justice
and Urban Affairs.

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 at paid employment, participate in a training or
2 educational program, or participate in a community residential
3 drug treatment program while continuing as a prisoner housed on a
4 voluntary basis at a community corrections center or in a commu-
5 nity residential home.

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

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

15 (4) ~~Prisoners~~ A PRISONER convicted of a crime of violence
16 or any assaultive crime shall not be eligible for the extensions
17 of the limits of confinement provided in subsection (1) until
18 ~~such time as~~ the minimum sentence imposed for the crime has
19 less than 180 days remaining, except that if the reason for the
20 extension is to visit a critically ill relative, attend the
21 funeral of a relative, or obtain medical services not otherwise
22 available, the director may allow the extension under escort as
23 provided in subsection (1).

24 (5) ~~Prisoners~~ A PRISONER serving a sentence for murder in
25 the first degree shall not be eligible for the extensions of con-
26 finement under this section until a parole release date is

1 established by the parole board and in no case prior to service
2 of 15 calendar years with a good institutional adjustment.

3 (6) NOTWITHSTANDING SUBSECTIONS (4) AND (5), A PRISONER
4 SERVING A SENTENCE FOR A CRIME PUNISHABLE BY IMPRISONMENT FOR
5 LIFE SHALL NOT BE ELIGIBLE AT ANY TIME FOR PLACEMENT IN A COMMU-
6 NITY CORRECTIONS CENTER OR A COMMUNITY RESIDENTIAL HOME.

7 (7) ~~(6)~~ As used in this section:

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

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

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