

# HOUSE BILL NO. 4489

March 10, 2021, Introduced by Reps. Bolden, Thanedar, LaGrand, Manoogian, Rogers, Hertel, Sabo, Brixie, Kuppa, Aiyash, Haadsma, Hammoud, Brenda Carter, Scott, Anthony, Peterson, Brabec, Hood, Steckloff, Hope, O'Neal, Camilleri, Weiss, Breen, Ellison, Tyrone Carter, Jones and Yancey and referred to the Committee on Judiciary.

A bill to amend 1893 PA 118, entitled

"An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,"

by amending section 33 (MCL 800.33), as amended by 1999 PA 148; and to repeal acts and parts of acts.

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

1           Sec. 33. (1) A record of all major misconduct charges for  
2 which a prisoner has been found guilty ~~shall~~**must** be maintained and

1 given to the parole board as part of the parole eligibility report  
2 prepared for each prisoner ~~pursuant to~~ **under** section 35 of **the**  
3 **corrections code of 1953**, 1953 PA 232, MCL 791.235.

4 (2) Except as otherwise provided in this section, a prisoner  
5 ~~who is serving a sentence for a crime committed before April 1,~~  
6 ~~1987, and~~ who has not been found guilty of a major misconduct or  
7 had a violation of the laws of this state recorded against him or  
8 her ~~shall~~ **must** receive a **disciplinary credit** reduction from his or  
9 her sentence as follows:

10 (a) During the first and second years of his or her sentence,  
11 5 days for each month.

12 (b) During the third and fourth years, 6 days for each month.

13 (c) During the fifth and sixth years, 7 days for each month.

14 (d) During the seventh, eighth, and ninth years, 9 days for  
15 each month.

16 (e) During the tenth, eleventh, twelfth, thirteenth, and  
17 fourteenth years, 10 days for each month.

18 (f) During the fifteenth, sixteenth, seventeenth, eighteenth,  
19 and nineteenth years, 12 days for each month.

20 (g) From and including the twentieth year, up to and including  
21 the period fixed for the expiration of the sentence, 15 days for  
22 each month.

23 ~~(3) Except as provided in section 34, all prisoners serving a~~  
24 ~~sentence for a crime that was committed on or after April 1, 1987~~  
25 ~~are eligible to earn disciplinary and special disciplinary credits~~  
26 ~~as provided in subsection (5). Disciplinary credits shall be~~  
27 ~~earned, forfeited, and restored as provided in this section.~~

28 Accumulated disciplinary credits ~~shall~~ **received under subsection**

29 **(2) must** be deducted from a prisoner's minimum and maximum sentence

1 in order to determine his or her parole eligibility date and  
2 discharge date.

3 (4) This section ~~shall~~**must** not be construed to allow good  
4 time, disciplinary credits, or special disciplinary credits in  
5 cases of commuted sentences unless so stipulated in the executive  
6 order commuting the sentence.

7 ~~(5) Except as provided in section 34, all prisoners serving a~~  
8 ~~sentence on December 30, 1982, or incarcerated after December 30,~~  
9 ~~1982, for the conviction of a crime enumerated in section 33b(a) to~~  
10 ~~(cc) of 1953 PA 232, MCL 791.233b, are eligible to earn a~~  
11 ~~disciplinary credit of 5 days per month for each month served after~~  
12 ~~December 30, 1982. Accumulated disciplinary credits shall be~~  
13 ~~deducted from a prisoner's minimum and maximum sentence in order to~~  
14 ~~determine his or her parole eligibility dates.~~

15 ~~A prisoner shall not earn disciplinary credits under this~~  
16 ~~subsection during any month in which the prisoner is found guilty~~  
17 ~~of having committed a major misconduct. The amount of disciplinary~~  
18 ~~credits not earned as a result of being found guilty of a major~~  
19 ~~misconduct shall be limited to the disciplinary credits that would~~  
20 ~~have been earned for the month in which the major misconduct~~  
21 ~~occurred. Any disciplinary credits not earned as a result of the~~  
22 ~~prisoner being found guilty of a major misconduct shall never be~~  
23 ~~earned or restored. The warden may order that a prisoner found~~  
24 ~~guilty of a major misconduct, including but not limited to charges~~  
25 ~~of rioting, inciting to riot, escape, homicide, or assault and~~  
26 ~~battery, forfeit all or a portion of the disciplinary credits~~  
27 ~~accumulated prior to the month in which the misconduct occurred. An~~  
28 ~~order forfeiting accumulated disciplinary credits shall be based~~  
29 ~~upon a review of the prisoner's institutional record.~~

1       ~~The disciplinary credit committee, which is comprised of the~~  
2 ~~prisoner's resident unit manager, custody officers in the resident~~  
3 ~~unit with direct supervisory responsibilities over the prisoner,~~  
4 ~~and the appropriate work or school assignment supervisor, shall be~~  
5 ~~a part of the reclassification process and shall review, at least~~  
6 ~~annually, the status of each prisoner in the housing unit who has~~  
7 ~~forfeited disciplinary credits. The committee may recommend to the~~  
8 ~~warden whether any forfeited disciplinary credits should be~~  
9 ~~restored to the prisoner.~~

10       ~~In addition to disciplinary credits, a prisoner eligible for~~  
11 ~~disciplinary credits under this subsection may be awarded 2 days~~  
12 ~~per month special disciplinary credits for good institutional~~  
13 ~~conduct on the recommendation of the disciplinary credit committee~~  
14 ~~and the concurrence of the warden based on an annual review of the~~  
15 ~~prisoner's institutional record. Special disciplinary credits shall~~  
16 ~~not be awarded for any month in which a prisoner has been found~~  
17 ~~guilty of a major misconduct.~~

18       ~~The department of corrections shall promulgate rules pursuant~~  
19 ~~to the administrative procedures act of 1969, 1969 PA 306, MCL~~  
20 ~~24.201 to 24.328, necessary to implement this subsection not more~~  
21 ~~than 180 days after December 30, 1982.~~

22       (5) ~~(6)~~ ~~On and after April 1, 1987, a~~ **A** ~~prisoner shall~~ **must**  
23 ~~not earn good time~~ **disciplinary credits** under this section during  
24 any month in which the prisoner is found guilty of having committed  
25 a major misconduct. The amount of ~~good time~~ **disciplinary credits**  
26 not earned as a result of being found guilty of a major misconduct  
27 shall **must** be limited to the amount of ~~good time~~ **disciplinary**  
28 **credits** that would have been earned during the month in which the  
29 major misconduct occurred. Any ~~good time~~ **disciplinary credits** not

1 earned as a result of the prisoner being found guilty of a major  
2 misconduct ~~shall~~**must** never be earned or restored.

3 (6) ~~(7)~~The department of corrections shall promulgate rules  
4 ~~pursuant to~~**under** the administrative procedures act of 1969, 1969  
5 PA 306, MCL 24.201 to 24.328, prescribing how much of his or her  
6 accumulated ~~good time or accumulated~~ disciplinary credits the  
7 prisoner may forfeit if found guilty of 1 or more major  
8 misconducts.

9 (7) ~~(8)~~The warden may order that a prisoner found guilty of a  
10 major misconduct forfeit all or a portion of the ~~good time~~  
11 **disciplinary credits** accumulated prior to the month in which the  
12 misconduct occurred.

13 (8) ~~(9)~~The ~~good time~~**disciplinary credit** committee, which is  
14 comprised of the prisoner's resident unit manager, custody officer  
15 in the resident unit with direct supervisory responsibility over  
16 the prisoner, and the appropriate work or school assignment  
17 supervisor, ~~shall~~**must** be part of the reclassification process. The  
18 ~~good time~~**disciplinary credit** committee shall recommend to the  
19 warden the amount of special ~~good time~~**disciplinary credit** to be  
20 awarded and the restoration of any accumulated ~~good time~~  
21 **disciplinary credit** that has been forfeited.

22 (9) ~~(10)~~The warden, as a reward for good conduct, may restore  
23 to a prisoner the whole or any portion of the ~~good time or~~  
24 disciplinary credits forfeited because of a finding of guilty for a  
25 major misconduct. However, forfeited ~~good time or~~ disciplinary  
26 credits ~~shall~~**must** not be restored without the recommendation of  
27 the disciplinary credit committee ~~or good time committee~~ and the  
28 prior written approval of the deputy director in charge of the  
29 ~~bureau of~~ correctional facilities **administration** or the deputy

1 director in charge of the ~~bureau of field services~~ **field operations**  
2 **administration**. Disciplinary credits ~~or good time allowances~~ that  
3 have not been earned because of institutional misconduct ~~shall~~ **must**  
4 not be restored.

5 (10) ~~(11)~~ A prisoner who has been sentenced concurrently for  
6 separate convictions ~~shall~~ **must** have his or her ~~good time or~~  
7 disciplinary credits computed on the basis of the longest of the  
8 concurrent sentences. If a prisoner is serving consecutive  
9 sentences for separate convictions, his or her ~~good time or~~  
10 disciplinary credits ~~shall~~ **must** be computed and accumulated on each  
11 sentence individually and all ~~good time or~~ disciplinary credits  
12 that have been earned on any of the sentences ~~shall be~~ **are** subject  
13 to forfeiture ~~pursuant to subsections (5) and (8)~~ **under subsection**  
14 **(7)**.

15 (11) ~~(12)~~ The warden of an institution may grant special ~~good~~  
16 ~~time~~ **disciplinary credit** allowances. ~~to eligible prisoners who are~~  
17 ~~convicted of a crime that is committed before April 1, 1987.~~  
18 Special ~~good time credit~~ shall ~~disciplinary credits~~ **must** not exceed  
19 50% of the ~~good time~~ **disciplinary credit** allowances under the  
20 schedule in subsection (2). Special ~~good time~~ shall ~~disciplinary~~  
21 **credits must** be awarded for good conduct only and ~~shall~~ **must** not be  
22 awarded for any month in which a prisoner has been found guilty of  
23 a major misconduct.

24 (12) ~~(13)~~ The parole board ~~shall be~~ **is** exclusively empowered  
25 to cause the forfeiture of ~~good time or~~ disciplinary credits earned  
26 by a prisoner at the time of a parole violation.

27 ~~(14)~~ A prisoner subject to disciplinary time is not eligible  
28 for ~~good time, special good time, disciplinary credits, or special~~  
29 ~~disciplinary credits.~~

1           **(13)** ~~(15)~~The court may order the reduction or forfeiture of ~~±~~  
2 ~~or more of the following disciplinary~~ credits pursuant to ~~under~~  
3 section 5513 of the revised judicature act of 1961, 1961 PA 236,  
4 MCL 600.5513. ÷

5           ~~(a) Good time.~~

6           ~~(b) Disciplinary.~~

7           ~~(c) Special disciplinary.~~

8           **(14) The department of corrections shall recalculate the**  
9 **parole eligibility date and discharge date for each prisoner**  
10 **servng a sentence on the effective date of the amendatory act that**  
11 **added this subsection who becomes eligible for disciplinary credits**  
12 **under subsection (2) as a result of the amendatory act that added**  
13 **this subsection.**

14           Enacting section 1. Sections 34 and 35 of 1893 PA 118, MCL  
15 800.34 and 800.35, are repealed effective 90 days after the date  
16 this amendatory act is enacted into law.

17           Enacting section 2. This amendatory act takes effect 90 days  
18 after the date it is enacted into law.

19           Enacting section 3. This amendatory act does not take effect  
20 unless Senate Bill No.\_\_\_\_ or House Bill No. 4488 (request no.  
21 00889'21) of the 101st Legislature is enacted into law.