

# HOUSE BILL No. 5398

December 3, 1997, Introduced by Rep. Frank and referred to the Committee on Corrections.

A bill to amend 1953 PA 232, entitled

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to 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 transferred by this act; to allow for the operation of certain facilities by private entities; 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; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

by amending sections 34, 34a, 36, and 65a (MCL 791.234, 791.234a, 791.236, and 791.265a), section 34 as amended by 1994 PA 345,

section 34a as amended by 1994 PA 427, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13.

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

1       Sec. 34. (1) Except as provided in section 34a, a prisoner  
2 sentenced to an indeterminate sentence and confined in a state  
3 correctional facility with a minimum in terms of years other than  
4 a prisoner subject to disciplinary time is subject to the juris-  
5 diction of the parole board when the prisoner has served a period  
6 of time equal to the minimum sentence imposed by the court for  
7 the crime of which he or she was convicted, less good time and  
8 disciplinary credits, if applicable.

9       (2) Except as provided in section 34a, a prisoner subject to  
10 disciplinary time sentenced to an indeterminate sentence and con-  
11 fined in a state correctional facility with a minimum in terms of  
12 years is subject to the jurisdiction of the parole board when the  
13 prisoner has served a period of time equal to the minimum sen-  
14 tence imposed by the court for the crime of which he or she was  
15 convicted, plus any disciplinary time accumulated pursuant to  
16 section 34 of ~~Act No. 118 of the Public Acts of 1893, being sec-~~  
17 ~~tion 800.34 of the Michigan Compiled Laws~~ 1893 PA 118, MCL  
18 800.34.

19       (3) If a prisoner other than a prisoner subject to disci-  
20 plinary time is sentenced for consecutive terms, whether received  
21 at the same time or at any time during the life of the original  
22 sentence, the parole board has jurisdiction over the prisoner for  
23 purposes of parole when the prisoner has served the total time of  
24 the added minimum terms, less the good time and disciplinary

1 credits allowed by statute. The maximum terms of the sentences  
2 shall be added to compute the new maximum term under this subsec-  
3 tion, and discharge shall be issued only after the total of the  
4 maximum sentences has been served less good time and disciplinary  
5 credits, unless the prisoner is paroled and discharged upon sat-  
6 isfactory completion of the parole.

7 (4) If a prisoner subject to disciplinary time is sentenced  
8 for consecutive terms, whether received at the same time or at  
9 any time during the life of the original sentence, the parole  
10 board has jurisdiction over the prisoner for purposes of parole  
11 when the prisoner has served the total time of the added minimum  
12 terms, plus any disciplinary time. The maximum terms of the sen-  
13 tences shall be added to compute the new maximum term under this  
14 subsection, and discharge shall be issued only after the total of  
15 the maximum sentences has been served, unless the prisoner is  
16 paroled and discharged upon satisfactory completion of the  
17 parole.

18 (5) If a prisoner other than a prisoner subject to disci-  
19 plinary time has 1 or more consecutive terms remaining to serve  
20 in addition to the term he or she is serving, the parole board  
21 may terminate the sentence the prisoner is presently serving at  
22 any time after the minimum term of the sentence has been served.

23 (6) A prisoner under sentence for life or for a term of  
24 years, other than a prisoner sentenced for life for murder in the  
25 first degree or sentenced for life or for a minimum term of  
26 imprisonment for a major controlled substance offense, who has  
27 served 10 calendar years of the sentence in the case of a

1 prisoner sentenced for a crime committed before October 1, 1992,  
2 or who has served 15 calendar years of the sentence in the case  
3 of a prisoner sentenced for a crime committed on or after  
4 October 1, 1992, is subject to the jurisdiction of the parole  
5 board and may be released on parole by the parole board, subject  
6 to the following conditions:

7       (a) One member of the parole board shall interview the pris-  
8 oner at the conclusion of 10 calendar years of the sentence and  
9 every 5 years thereafter until such time as the prisoner is  
10 paroled, discharged, or deceased. The interview schedule pre-  
11 scribed in this subdivision applies to all prisoners to whom this  
12 subsection is applicable, whether sentenced before, on, or after  
13 the effective date of the 1992 amendatory act that amended this  
14 subdivision.

15       (b) A parole shall not be granted a prisoner so sentenced  
16 until after a public hearing held in the manner prescribed for  
17 pardons and commutations in sections ~~44(2)(f) to (h)~~ 44(2) and  
18 45. Notice of the public hearing shall be given to the sentenc-  
19 ing judge, or the judge's successor in office, and parole shall  
20 not be granted if the sentencing judge, or the judge's successor  
21 in office, files written objections to the granting of the parole  
22 within 30 days of receipt of the notice of hearing. The written  
23 objections shall be made part of the prisoner's file.

24       (c) A parole granted under this subsection shall be for a  
25 period of not less than 4 years and subject to the usual rules  
26 pertaining to paroles granted by the parole board. A parole  
27 ordered under this subsection is not valid until the transcript

1 of the record is filed with the attorney general whose  
2 certification of receipt of the transcript shall be returnable to  
3 the office of the parole board within 5 days. Except for medical  
4 records protected under section 2157 of the revised judicature  
5 act of 1961, ~~Act No. 236 of the Public Acts of 1961, being sec-~~  
6 ~~tion 600.2157 of the Michigan Compiled Laws~~ 1961 PA 236, MCL  
7 600.2157, the file of a prisoner granted a parole under this sub-  
8 section is a public record.

9 (d) A parole shall not be granted under this subsection in  
10 the case of a prisoner who is otherwise prohibited by law from  
11 parole consideration. In such cases the interview procedures in  
12 section 44 shall be followed.

13 (7) Except as provided in section 34a, a prisoner's release  
14 on parole is discretionary with the parole board. The PAROLE  
15 BOARD'S ~~action of the parole board~~ in granting or denying a  
16 parole is appealable by the prisoner, the prosecutor of the  
17 county from which the prisoner was committed, or the victim of  
18 the crime for which the prisoner was convicted. The appeal shall  
19 be to the circuit court in the county from which the prisoner was  
20 committed, by leave of the court.

21 ~~(8) The provisions of this section regarding prisoners~~  
22 ~~subject to disciplinary time take effect beginning on the effec-~~  
23 ~~tive date of Act No. 217 of the Public Acts of 1994, as pre-~~  
24 ~~scribed in enacting section 2 of that amendatory act.~~

25 Sec. 34a. (1) A prisoner sentenced either before, on, or  
26 after the effective date of the amendatory act that added this  
27 section to an indeterminate term of imprisonment under the

1 jurisdiction of the department shall be considered by the  
2 department for placement in a special alternative incarceration  
3 unit established under section 3 of the special alternative  
4 incarceration act, ~~Act No. 287 of the Public Acts of 1988, being~~  
5 ~~section 798.13 of the Michigan Compiled Laws~~ 1988 PA 287, MCL  
6 798.13, if the prisoner meets the eligibility requirements of  
7 subsections (2) and (3). For a prisoner committed to the juris-  
8 diction of the department on or after March 19, 1992, the depart-  
9 ment shall determine before the prisoner leaves the reception  
10 center whether the prisoner is eligible for placement in a spe-  
11 cial alternative incarceration unit, although actual placement  
12 may take place at a later date. A determination of eligibility  
13 does not guarantee placement in a unit.

14 (2) To be eligible for placement in a special alternative  
15 incarceration unit, the prisoner shall meet all of the following  
16 requirements:

17 (a) The prisoner's minimum sentence does not exceed either  
18 of the following limits, as applicable:

19 (i) 24 months or less for a violation of section 110 of the  
20 Michigan penal code, ~~Act No. 110 of the Public Acts of 1931,~~  
21 ~~being section 750.110 of the Michigan Compiled Laws~~ 1931 PA 110,  
22 MCL 750.110, if the violation involved any occupied dwelling  
23 house, as that term is defined in that section.

24 (ii) 36 months or less for any other crime.

25 (b) The prisoner has never previously been placed in a spe-  
26 cial alternative incarceration unit as either a prisoner or a  
27 probationer, unless he or she was removed from a special

1 alternative incarceration unit for medical reasons as specified  
2 in subsection (6).

3 (c) The prisoner is physically able to participate in the  
4 program.

5 (d) The prisoner does not appear to have any mental handicap  
6 that would prevent participation in the program.

7 (e) The prisoner is serving his or her first prison  
8 sentence.

9 (f) At the time of sentencing, the judge did not prohibit  
10 participation in the program in the judgment of sentence.

11 (g) The prisoner is otherwise suitable for the program, as  
12 determined by the department.

13 (h) The prisoner is not serving a sentence for any of the  
14 following crimes:

15 (i) A violation of section 11, 49, 80, 83, 89, 91, 157b,  
16 158, 207, 260, 316, 317, 327, 328, 335a, 338, 338a, 338b, 349,  
17 349a, 350, 422, 436, 511, 516, 517, 520b, 529, 529a, 531, or 544  
18 of the Michigan penal code, ~~Act No. 328 of the Public Acts of~~  
19 ~~1931, being sections 750.11, 750.49, 750.80, 750.83, 750.89,~~  
20 ~~750.91, 750.157b, 750.158, 750.207, 750.260, 750.316, 750.317,~~  
21 ~~750.327, 750.328, 750.335a, 750.338, 750.338a, 750.338b, 750.349,~~  
22 ~~750.349a, 750.350, 750.422, 750.436, 750.511, 750.516, 750.517,~~  
23 ~~750.520b, 750.529, 750.529a, 750.531, and 750.544 of the Michigan~~  
24 ~~Compiled Laws~~ 1931 PA 328, MCL 750.11, 750.49, 750.80, 750.83,  
25 750.89, 750.91, 750.157B, 750.158, 750.207, 750.260, 750.316,  
26 750.317, 750.327, 750.328, 750.335A, 750.338, 750.338A, 750.338B,

1 750.349, 750.349A, 750.350, 750.422, 750.436, 750.511, 750.516,  
2 750.517, 750.520B, 750.529, 750.529A, 750.531, AND 750.544.

3 (ii) A violation of section 145c, 520c, 520d, or 520g of  
4 ~~Act No. 328 of the Public Acts of 1931, being sections 750.145c,~~  
5 ~~750.520c, 750.520d, and 750.520g of the Michigan Compiled Laws~~  
6 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145C, 750.520C,  
7 750.520D, AND 750.520G.

8 (iii) A violation of section 72, 73, or 75 of ~~Act No. 328~~  
9 ~~of the Public Acts of 1931, being sections 750.72, 750.73, and~~  
10 ~~750.75 of the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE,  
11 1931 PA 328, MCL 750.72, 750.73, AND 750.75.

12 (iv) A violation of section 86, 112, 136b, 193, 195, 213,  
13 319, 321, 329, or 397 of ~~Act No. 328 of the Public Acts of 1931,~~  
14 ~~being sections 750.86, 750.112, 750.136b, 750.193, 750.195,~~  
15 ~~750.213, 750.319, 750.321, 750.329, and 750.397 of the Michigan~~  
16 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.86,  
17 750.112, 750.136B, 750.193, 750.195, 750.213, 750.319, 750.321,  
18 750.329, AND 750.397.

19 (v) A violation of section 2 of ~~Act No. 302 of the Public~~  
20 ~~Acts of 1968, being section 752.542 of the Michigan Compiled~~  
21 ~~Laws~~ 1968 PA 302, MCL 752.542.

22 (vi) An attempt to commit a crime described in subparagraphs  
23 (i) to (v).

24 (vii) A violation occurring on or after January 1, 1992, of  
25 section 625(4) or (5) of the Michigan vehicle code, ~~Act No. 300~~  
26 ~~of the Public Acts of 1949, being section 257.625 of the Michigan~~  
27 ~~Compiled Laws~~ 1949 PA 300, MCL 257.625.



1           (viii) A crime for which the prisoner was punished pursuant  
2 to section 10, 11, or 12 of chapter IX of the code of criminal  
3 procedure, ~~Act No. 175 of the Public Acts of 1927, being sec-~~  
4 ~~tions 769.10, 769.11, and 769.12 of the Michigan Compiled Laws-~~  
5 1927 PA 175, MCL 769.10, 769.11, AND 769.12.

6           (3) A prisoner who is serving a sentence for a violation of  
7 section 7401 or 7403 of the public health code, ~~Act No. 368 of~~  
8 ~~the Public Acts of 1978, being sections 333.7401 and 333.7403 of~~  
9 ~~the Michigan Compiled Laws-~~ 1978 PA 368, MCL 333.7401 TO  
10 333.7403, and who has previously been convicted for a violation  
11 of section 7401 or 7403(2)(a), (b), or (e) of ~~Act No. 368 of the~~  
12 ~~Public Acts of 1978-~~ THAT ACT, is not eligible for placement in a  
13 special alternative incarceration unit until after he or she has  
14 served the equivalent of the mandatory minimum sentence pre-  
15 scribed by statute for that violation.

16           (4) If the sentencing judge prohibited a prisoner's partici-  
17 pation in the special alternative incarceration program in the  
18 judgment of sentence, that prisoner shall not be placed in a spe-  
19 cial alternative incarceration unit. If the sentencing judge  
20 permitted the prisoner's participation in the special alternative  
21 incarceration program in the judgment of sentence, that prisoner  
22 may be placed in a special alternative incarceration unit if the  
23 department determines that the prisoner also meets the require-  
24 ments of subsections (2) and (3). If the sentencing judge nei-  
25 ther prohibited nor permitted a prisoner's participation in the  
26 special alternative incarceration program in the judgment of  
27 sentence, and the department determines that the prisoner meets

1 the eligibility requirements of subsections (2) and (3), the  
2 department shall notify the judge or the judge's successor, the  
3 prosecuting attorney for the county in which the prisoner was  
4 sentenced, and any victim of the crime for which the prisoner was  
5 committed if the victim has submitted to the department a written  
6 request for any notification pursuant to section 19(1) of the  
7 crime victim's rights act, ~~Act No. 87 of the Public Acts of~~  
8 ~~1985, being section 780.769 of the Michigan Compiled Laws~~ 1985  
9 PA 87, MCL 780.769, of the proposed placement of the prisoner in  
10 the special alternative incarceration unit not later than 30 days  
11 before placement is intended to occur. The department shall not  
12 place the prisoner in a special alternative incarceration unit  
13 unless the sentencing judge, or the judge's successor, notifies  
14 the department, in writing, that he or she does not object to the  
15 proposed placement. In making the decision on whether or not to  
16 object, the judge, or judge's successor, shall review any impact  
17 statement submitted pursuant to section 14 of ~~Act No. 87 of the~~  
18 ~~Public Acts of 1985, being section 780.764 of the Michigan~~  
19 ~~Compiled Laws~~ THE CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL  
20 780.764, by the victim or victims of the crime of which the pris-  
21 oner was convicted.

22 (5) Notwithstanding subsection (4), a prisoner shall not be  
23 placed in a special alternative incarceration unit unless the  
24 prisoner consents to that placement and agrees that the depart-  
25 ment may suspend or restrict privileges generally afforded other  
26 prisoners including, but not limited to, the areas of visitation,  
27 property, mail, publications, commissary, library, and telephone

1 access. However, the department may not suspend or restrict the  
2 prisoner's access to the prisoner grievance system.

3 (6) A prisoner may be placed in a special alternative incar-  
4 ceration program for a period of not less than 90 days or more  
5 than 120 days. If, during that period, the prisoner misses more  
6 than 5 days of program participation due to medical excuse for  
7 illness or injury occurring after he or she was placed in the  
8 program, the period of placement shall be increased by the number  
9 of days missed, beginning with the sixth day of medical excuse,  
10 up to a maximum of 20 days. However, the total number of days a  
11 prisoner may be placed in this program, including days missed due  
12 to medical excuse, shall not exceed 120 days. A medical excuse  
13 shall be verified by a physician's statement. A prisoner who is  
14 medically unable to participate in the program for more than 25  
15 days shall be returned to a state correctional facility but may  
16 be reassigned to the program if the prisoner meets the eligibil-  
17 ity requirements of subsections (2) and (3).

18 (7) Upon certification of completion of the special alterna-  
19 tive incarceration program, the prisoner shall be placed on  
20 parole. A prisoner paroled under this section shall have condi-  
21 tions of parole as determined appropriate by the parole board and  
22 shall be placed on parole for not less than 18 months, or the  
23 balance of the prisoner's minimum sentence, whichever is greater,  
24 with at least the first 120 days under intensive supervision.

25 (8) The parole board may suspend or revoke parole for any  
26 prisoner paroled under this section subject to sections 39a and  
27 40a. For a prisoner other than a prisoner subject to

1 disciplinary time, if parole is revoked before the expiration of  
2 the prisoner's minimum sentence, less disciplinary credits, the  
3 parole board shall forfeit, pursuant to section 33(13) of ~~Act~~  
4 ~~No. 118 of the Public Acts of 1893, being section 800.33 of the~~  
5 ~~Michigan Compiled Laws~~ 1893 PA 118, MCL 800.33, all disciplinary  
6 credits that were accumulated during special alternative incar-  
7 ceration, and the prisoner shall be considered for parole pursu-  
8 ant to section 35.

9 (9) On March 19, 1993, and annually after that time, the  
10 department shall report to the legislature the impact of the  
11 operation of this section, including a report concerning  
12 recidivism.

13 ~~(10) The provisions of this section regarding prisoners~~  
14 ~~subject to disciplinary time take effect beginning on the effec-~~  
15 ~~tive date of Act No. 217 of the Public Acts of 1994, as pre-~~  
16 ~~scribed in enacting section 2 of that amendatory act.~~

17 Sec. 36. (1) All paroles shall be ordered by the parole  
18 board and shall be signed by the chairperson. Written notice of  
19 the order shall be given to the sheriff or other police officer  
20 of the municipality or county in which the prisoner was convicted  
21 ~~,~~ and ~~to~~ the sheriff or other local police officer of the  
22 municipality or county to which the paroled prisoner is sent.

23 (2) An order of parole may be amended or rescinded at the  
24 PAROLE BOARD'S discretion ~~of the parole board~~ for cause. If a  
25 paroled prisoner who is required to register pursuant to the sex  
26 offenders registration act, ~~Act No. 295 of the Public Acts of~~  
27 ~~1994, being sections 28.721 to 28.732 of the Michigan Compiled~~

1 ~~Laws~~ 1994 PA 295, MCL 28.721 TO 28.732, willfully violates that  
2 act, the parole board shall rescind the parole. A parole shall  
3 not be rescinded unless an interview is conducted by 1 member of  
4 the parole board. The purpose of the interview is to consider  
5 and act upon information received by the board after the original  
6 parole release decision. A rescission interview shall be con-  
7 ducted within 45 days after receiving the new information. At  
8 least 10 days before the interview, the parolee shall receive a  
9 copy or summary of the new evidence that is the basis for the  
10 interview. An amendment to a parole order shall be in writing  
11 and is not effective until notice of the amendment is given to  
12 the parolee.

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

17 (4) The order of parole shall contain a condition to pay  
18 restitution to the victim of the prisoner's crime or the victim's  
19 estate if the prisoner was ordered to make restitution pursuant  
20 to the crime victim's rights act, ~~Act No. 87 of the Public Acts~~  
21 ~~of 1985, being sections 780.751 to 780.834 of the Michigan~~  
22 ~~Compiled Laws~~ 1985 PA 87, MCL 780.751 TO 780.834, or the code of  
23 criminal procedure, ~~Act No. 175 of the Public Acts of 1927,~~  
24 ~~being sections 760.1 to 776.21 of the Michigan Compiled Laws~~  
25 1927 PA 175, MCL 760.1 TO 776.22.

1 (5) The order of parole shall contain a condition requiring  
2 the parolee to pay a parole supervision fee as prescribed in  
3 section 36a.

4 (6) The order of parole shall contain a condition requiring  
5 the parolee to pay any assessment the prisoner was ordered to pay  
6 ~~pursuant to~~ UNDER section 5 of ~~Act No. 196 of the Public Acts~~  
7 ~~of 1989, being section 780.905 of the Michigan Compiled Laws~~  
8 1989 PA 196, MCL 780.905.

9 (7) If the parolee is required to be registered under ~~Act~~  
10 ~~No. 295 of the Public Acts of 1994~~ THE SEX OFFENDERS REGISTRA-  
11 TION ACT, 1994 PA 295, MCL 28.721 TO 28.732, the order of parole  
12 shall contain a condition requiring the parolee to comply with  
13 that act.

14 (8) An order of parole issued for a prisoner subject to dis-  
15 ciplinary time shall contain a condition requiring the parolee to  
16 be housed in a community corrections center or a community resi-  
17 dential home for not less than the first 30 days but not more  
18 than the first 180 days of his or her term of parole. As used in  
19 this subsection, "community corrections center" and "community  
20 residential home" mean those terms as defined in section 65a.  
21 ~~This subsection applies beginning on the date that sentencing~~  
22 ~~guidelines are enacted into law after the sentencing commission~~  
23 ~~submits recommended sentencing guidelines to the secretary of the~~  
24 ~~senate and the clerk of the house of representatives pursuant to~~  
25 ~~section 33 of chapter IX of the code of criminal procedure, Act~~  
26 ~~No. 175 of the Public Acts of 1927, being section 769.33 of the~~  
27 ~~Michigan Compiled Laws.~~

1 (9) The order of parole shall contain a condition requiring  
2 the parolee to pay the following amounts owed by the prisoner, if  
3 applicable:

4 (a) The balance of filing fees and costs ordered to be paid  
5 under section 2963 of the revised judicature act of 1961, ~~Act~~  
6 ~~No. 236 of the Public Acts of 1961, being section 600.2963 of the~~  
7 ~~Michigan Compiled Laws~~ 1961 PA 236, MCL 600.2963.

8 (b) The balance of any filing fee ordered to be paid by a  
9 federal court under section 1915 of title 28 of the United States  
10 Code, 28 U.S.C. 1915 and any unpaid order of costs assessed  
11 against the prisoner.

12 (10) In each case in which payment of restitution is ordered  
13 as a condition of parole, a parole officer assigned to a case  
14 shall review the case not less than twice yearly to ensure that  
15 restitution is being paid as ordered. The final review shall be  
16 conducted not less than 60 days before the expiration of the  
17 parole period. If the parole officer determines that restitution  
18 is not being paid as ordered, the parole officer shall file a  
19 written report of the violation with the parole board on a form  
20 prescribed by the parole board. The report shall include a  
21 statement of the amount of arrearage and any reasons for the  
22 arrearage known by the parole officer. The parole board shall  
23 immediately provide a copy of the report to the court, the prose-  
24 cuting attorney, and the victim.

25 (11) If a parolee is required to register pursuant to ~~Act~~  
26 ~~No. 295 of the Public Acts of 1994~~ THE SEX OFFENDERS

1 REGISTRATION ACT, 1994 PA 295, MCL 28.721 TO 28.732, the parole  
2 officer shall register the parolee as provided in that act.

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

9       (a) Visit a specifically designated place or places. An  
10 extension of limits may be granted only to a prisoner housed in a  
11 state correctional facility to permit a visit to a critically ill  
12 relative, attendance at the funeral of a relative, or contacting  
13 prospective employers. The maximum amount of time a prisoner is  
14 eligible for an extension of the limits of confinement under this  
15 subdivision shall not exceed a cumulative total period of 30  
16 days.

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

19       (c) Work at paid employment, participate in a training or  
20 educational program, or participate in a community residential  
21 drug treatment program while continuing as a prisoner housed on a  
22 voluntary basis at a community corrections center or in a commu-  
23 nity residential home.

24       (2) The director shall promulgate rules to implement this  
25 section.

26       (3) The willful failure of a prisoner to remain within the  
27 extended limits of his or her confinement or to return within the



1 time prescribed to an institution or facility designated by the  
2 director shall be considered an escape from custody as provided  
3 in section 193 of the Michigan penal code, 1931 PA 328, MCL  
4 750.193.

5       (4) Subject to subsection (6), a prisoner, other than a  
6 prisoner subject to disciplinary time, who is convicted of a  
7 crime of violence or any assaultive crime is not eligible for the  
8 extensions of the limits of confinement provided in subsection  
9 (1) until the minimum sentence imposed for the crime has less  
10 than 180 days remaining. Subject to subsection (6), a prisoner  
11 subject to disciplinary time is not eligible for the extensions  
12 of the limits of confinement provided in subsection (1) until he  
13 or she has served the minimum sentence imposed for the crime plus  
14 any disciplinary time. However, if the reason for the extension  
15 is to visit a critically ill relative, attend the funeral of a  
16 relative, or obtain medical services not otherwise available, the  
17 director may allow the extension under escort as provided in sub-  
18 section (1).

19       (5) A prisoner serving a sentence for murder in the first  
20 degree is not eligible for the extensions of confinement under  
21 this section until a parole release date is established by the  
22 parole board and in no case before serving 15 calendar years with  
23 a good institutional adjustment.

24       (6) A prisoner who is convicted of a crime of violence or  
25 any assaultive crime, and whose minimum sentence imposed for the  
26 crime is 10 years or more, shall not be placed in a community  
27 residential home during any portion of his or her sentence.

1       ~~(7) The provisions of this section regarding prisoners~~  
2 ~~subject to disciplinary time take effect beginning on the effec-~~  
3 ~~tive date of 1994 PA 217, as prescribed in enacting section 2 of~~  
4 ~~that amendatory act.~~

5       (7) ~~(8)~~ As used in this section:

6       (a) "Community corrections center" means a facility either  
7 contracted for or operated by the department in which a security  
8 staff is on duty 7 days per week, 24 hours per day.

9       (b) "Community residential home" means a location where  
10 electronic monitoring of prisoner presence is provided by the  
11 department 7 days per week, 24 hours per day, except that the  
12 department may waive the requirement that electronic monitoring  
13 be provided as to any prisoner who is within 3 months of his or  
14 her parole date.

15       (c) "State correctional facility" means a facility owned or  
16 leased by the department. State correctional facility does not  
17 include a community corrections center or community residential  
18 home.

19       Enacting section 1. This amendatory act does not take  
20 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
21 (request no. 01050'97 \*) of the 89th Legislature is enacted into  
22 law.