

HOUSE BILL No. 5587

February 19, 1998, Introduced by Rep. McNutt 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 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 section 64 (MCL 791.264).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 64. (1) The assistant director in charge of the bureau
2 of ~~penal institutions~~ CORRECTIONAL FACILITIES shall ~~have~~

1 ~~authority and it shall be his duty to~~ classify the prisoners in
2 ~~the several penal institutions. He~~ CORRECTIONAL FACILITIES.
3 THE ASSISTANT DIRECTOR shall ~~, subject to the approval of the~~
4 ~~director, promulgate regulations under which there shall be orga-~~
5 ~~nized in each penal institution,~~ APPOINT a classification com-
6 mittee from the staff of ~~such penal institution~~ EACH CORREC-
7 TIONAL FACILITY, which committee shall perform ~~such services and~~
8 ~~in such~~ SERVICES IN A manner as the assistant director in charge
9 of the bureau of ~~penal institutions shall require. It shall be~~
10 ~~the duty of each such~~ CORRECTIONAL FACILITIES REQUIRES.

11 (2) EACH classification committee ~~to~~ SHALL obtain and file
12 complete information with regard to each prisoner ~~sentenced~~
13 ~~under an indeterminate sentence at the time such~~ WHEN THE pris-
14 oner is received in ~~any penal institution. It shall be the duty~~
15 ~~of the~~ A CORRECTIONAL FACILITY. THE clerk of the court and ~~of~~
16 all probation officers and other officials ~~to send such informa-~~
17 ~~tion as may be~~ SHALL SEND INFORMATION in their possession or
18 under their control to each ~~such~~ classification committee when
19 ~~and in such~~ REQUESTED TO DO SO, IN THE manner as they ~~may be~~
20 ARE directed. When all such existing available records have been
21 assembled, each ~~such~~ classification committee shall determine
22 whether any further investigation is necessary, and, if so, ~~it~~
23 shall make ~~such~~ THAT investigation. ~~All such~~ THE information
24 shall be filed with the parole board so as to be readily avail-
25 able when the parole of the prisoner is to be considered.

26 (3) THE LENGTH OF A PRISONER'S SENTENCE SHALL BE COMPUTED BY
27 THE RECORD OFFICE OF THE CORRECTIONAL FACILITY, FOR USE BY THE

1 CLASSIFICATION COMMITTEE, BASED UPON THE CERTIFIED COPY OF THE
2 JUDGMENT OF SENTENCE DELIVERED WITH THE PRISONER. IF THE JUDG-
3 MENT OF SENTENCE DOES NOT SPECIFY WHETHER THE SENTENCE SHALL RUN
4 CONSECUTIVELY TO OR CONCURRENTLY WITH ANY OTHER SENTENCE THAT THE
5 PRISONER IS SERVING, THE SENTENCE SHALL BE COMPUTED AS IF IT IS
6 TO BE SERVED CONCURRENTLY UNLESS 1 OF THE FOLLOWING APPLIES, IN
7 WHICH CASE THE SENTENCE SHALL BE COMPUTED AS IF IT IS TO BE
8 SERVED CONSECUTIVELY:

9 (A) THE CONVICTION IS FOR A VIOLATION OF SECTION 7401(2)(A)
10 OR 7403(2)(A)(i), (ii), (iii), OR (iv) OF THE PUBLIC HEALTH CODE,
11 1978 PA 368, MCL 333.7401 AND 333.7403.

12 (B) THE CONVICTION IS FOR A VIOLATION OF SECTION 193,
13 195(2), 197(2), 227B, OR 349A OF THE MICHIGAN PENAL CODE, 1931 PA
14 328, MCL 750.193, 750.195, 750.197, 750.227B AND 750.349A.

15 (4) IF THE RECORD OFFICE OR THE CLASSIFICATION COMMITTEE
16 BELIEVES THAT A PRISONER'S SENTENCE IS REQUIRED TO BE SERVED CON-
17 SECUTIVELY TO ANOTHER SENTENCE, BUT THE JUDGMENT DOES NOT STATE
18 THAT FACT, OR IF THERE APPEARS TO BE ANY OTHER ERROR ON THE JUDG-
19 MENT OF SENTENCE, THE CORRECTIONAL FACILITY SHALL SEND WRITTEN
20 NOTICE OF THE APPARENT ERROR TO THE COURT THAT IMPOSED THE SEN-
21 TENCE AND TO THE PROSECUTING ATTORNEY FOR THE COUNTY FROM WHICH
22 THE PRISONER WAS COMMITTED. HOWEVER, THE RECORD OFFICE SHALL
23 COMPUTE THE SENTENCE AS PROVIDED IN SUBSECTION (3) UNLESS AN
24 AMENDED JUDGMENT IS RECEIVED FROM THE COURT.