

SENATE BILL NO. 1011

March 11, 1998, Introduced by Senator PETERS and referred to the Committee on Judiciary.

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 section 34 (MCL 791.234), as amended by 1994 PA 345.

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~~ FOR a minimum ~~in terms~~ TERM of
4 years other than a prisoner subject to disciplinary time is
5 subject to the jurisdiction of the parole board when the prisoner
6 has served a period of time equal to the minimum sentence imposed
7 by the court for the crime of which he or she was convicted, less
8 good time and 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~~ FOR a minimum ~~in~~
12 ~~terms~~ TERM of years is subject to the jurisdiction of the parole
13 board when the prisoner has served a period of time equal to the
14 minimum sentence imposed by the court for the crime of which he
15 or she was convicted, plus any disciplinary time accumulated pur-
16 suant to section 34 of ~~Act No. 118 of the Public Acts of 1893,~~
17 ~~being section 800.34 of the Michigan Compiled Laws~~ 1893 PA 118,
18 MCL 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
25 credits allowed by statute. The maximum terms of the sentences
26 shall be added to compute the new maximum term under this
27 subsection, and discharge shall be issued only after the total of

1 the maximum sentences has been served less good time and
2 disciplinary credits, unless the prisoner is paroled and dis-
3 charged upon satisfactory completion of the parole.

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

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

20 (6) A prisoner under sentence for life or for a term of
21 years, other than a prisoner sentenced for life for murder in the
22 first degree or sentenced for life or for a minimum term of
23 imprisonment for a major controlled substance offense OR A PRIS-
24 ONER SENTENCED FOR LIFE UNDER SECTION 200I, 204A, 207, 209, 210,
25 OR 211A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.200I,
26 750.204A, 750.207, 750.209, 750.210, AND 750.211A, who has served
27 10 calendar years of the sentence in the case of a prisoner

1 sentenced for a crime committed before October 1, 1992, or who
2 has served 15 calendar years of the sentence in the case of a
3 prisoner sentenced for a crime committed on or after October 1,
4 1992, is subject to the jurisdiction of the parole board and may
5 be released on parole by the parole board, subject to the follow-
6 ing 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~~ AFTER THAT TIME until such time as the
10 prisoner is paroled, discharged, or deceased. The interview
11 schedule prescribed in this subdivision applies to all prisoners
12 to whom this subsection is applicable, whether sentenced before,
13 on, or after the effective date of the 1992 amendatory act that
14 amended this subdivision.

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

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

1 ordered under this subsection is not valid until the transcript
2 of the record is filed with the attorney general whose certifica-
3 tion of receipt of the transcript shall be returnable to the
4 office of the parole board within 5 days. Except for medical
5 records protected under section 2157 of the revised judicature
6 act of 1961, ~~Act No. 236 of the Public Acts of 1961, being sec-~~
7 ~~tion 600.2157 of the Michigan Compiled Laws~~ 1961 PA 236, MCL
8 600.2157, the file of a prisoner granted a parole under this sub-
9 section is a public record.

10 (d) A parole shall not be granted under this subsection ~~in~~
11 ~~the case of~~ TO a prisoner who is ~~otherwise~~ prohibited by law
12 from parole consideration. ~~In such cases~~ IF PAROLE IS NOT
13 GRANTED UNDER THIS SUBSECTION, the interview procedures in sec-
14 tion 44 shall be followed.

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

23 (8) The provisions of this section regarding prisoners
24 subject to disciplinary time take effect beginning on the effec-
25 tive date of ~~Act No. 217 of the Public Acts of 1994~~ 1994 PA
26 217, as prescribed in enacting section 2 of that amendatory act.

1 Enacting section 1. This amendatory act does not take
2 effect unless all of the following bills of the 89th Legislature
3 are enacted into law:

4 (a) Senate Bill No. 443.

5 (b) House Bill No. 4289.