

HOUSE BILL No. 5323

October 23, 2001, Introduced by Reps. Mortimer, Raczkowski, Sanborn, Ehardt, Kuipers, Kowall, Stamas, Allen, Shackleton, Vander Veen, Voorhees, Pumford, Jelinek, Birkholz, Pappageorge, Patterson, Howell, Stewart, Switalski, Richardville, Faunce, Toy, Tabor, O'Neil, Basham, DeVuyst and Jansen and referred to the Committee on Criminal Justice.

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 42 (MCL 791.242) and by adding section 36b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 36B. (1) THE PAROLE BOARD MAY INCLUDE IN AN ORDER OF
2 PAROLE FOR A PRISONER DESCRIBED IN SUBSECTION (2) A CONDITION
3 REQUIRING THAT THE PAROLEE NOT ENGAGE IN ALL OF THE FOLLOWING
4 CONDUCT:

5 (A) RESIDE IN HOUSING LOCATED WITHIN 1 MILE OF A SCHOOL.

6 (B) ENTER UPON SCHOOL PROPERTY.

7 (2) THIS SECTION APPLIES TO A PRISONER SERVING A SENTENCE
8 FOR A VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING:

9 (A) SECTION 158 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
10 750.158 (SODOMY), IF THE VICTIM IS LESS THAN 18 YEARS OF AGE.

11 (B) SECTION 335A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
12 MCL 750.335A (INDECENT EXPOSURE), IF THE VICTIM IS LESS THAN 18
13 YEARS OF AGE.

14 (C) SECTION 350 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
15 750.350 (LEADING, TAKING, CARRYING AWAY, DECOYING, OR ENTICING
16 AWAY CHILD UNDER 14 YEARS OF AGE).

17 (D) SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328,
18 MCL 750.520B (FIRST DEGREE CRIMINAL SEXUAL CONDUCT), IF THE
19 VICTIM IS LESS THAN 18 YEARS OF AGE.

20 (E) SECTION 520C OF THE MICHIGAN PENAL CODE, 1931 PA 328,
21 MCL 750.520C (SECOND DEGREE CRIMINAL SEXUAL CONDUCT), IF THE
22 VICTIM IS LESS THAN 18 YEARS OF AGE.

23 (F) SECTION 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
24 MCL 750.520D (THIRD DEGREE CRIMINAL SEXUAL CONDUCT), IF THE
25 VICTIM IS LESS THAN 18 YEARS OF AGE.

1 (G) SECTION 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328,
2 MCL 750.520G (ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL
3 CONDUCT), IF THE VICTIM IS LESS THAN 18 YEARS OF AGE.

4 (H) A LAW OF THE UNITED STATES, ANOTHER STATE, OR A POLITI-
5 CAL SUBDIVISION OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY COR-
6 RESPONDING TO A VIOLATION DESCRIBED IN SUBDIVISIONS (A) TO (G).

7 (3) AS USED IN THIS SECTION:

8 (A) "SCHOOL" MEANS A PUBLIC, PRIVATE, DENOMINATIONAL, OR
9 PAROCHIAL SCHOOL OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGAR-
10 TEN, OR ANY GRADE FROM 1 THROUGH 12.

11 (B) "SCHOOL PROPERTY" MEANS A BUILDING, PLAYING FIELD, OR
12 PROPERTY USED FOR SCHOOL PURPOSES TO IMPART INSTRUCTION TO CHIL-
13 DREN OR USED FOR FUNCTIONS AND EVENTS SPONSORED BY A SCHOOL,
14 EXCEPT A BUILDING USED PRIMARILY FOR ADULT EDUCATION OR COLLEGE
15 EXTENSION COURSES.

16 Sec. 42. (1) When ~~any~~ A paroled prisoner has faithfully
17 performed all of the conditions and obligations of his OR HER
18 parole for the period of time fixed in ~~such~~ THE order OF
19 PAROLE, and has obeyed all of the rules and regulations adopted
20 by the parole board, he OR SHE shall be ~~deemed~~ CONSIDERED to
21 have served his OR HER full sentence, and the parole board shall
22 enter a final order of discharge and issue to the paroled pris-
23 oner a certificate of discharge.

24 (2) ~~No~~ A parole shall NOT be granted for a period OF less
25 than 2 years ~~in all cases~~ FOR A PRISONER CONVICTED of murder,
26 ~~actual forcible rape,~~ robbery armed, kidnapping, extortion, or
27 breaking and entering an occupied dwelling in the night time

1 except where the maximum time remaining to be served on the
2 sentence is less than 2 years.

3 (3) A PAROLE SHALL NOT BE GRANTED FOR A PERIOD OF LESS THAN
4 5 YEARS FOR A PRISONER CONVICTED OF A CRIME LISTED IN SECTION
5 36B.

6 Enacting section 1. This amendatory act does not take
7 effect unless Senate Bill No. _____ or House Bill No. 5322
8 (request no. 04886'01 *) of the 91st Legislature is enacted into
9 law.