

SENATE BILL No. 1049

December 18, 2009, Introduced by Senator WHITMER and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.285) by adding section 36b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 36B. (1) IN ADDITION TO ANY OTHER CONDITIONS OF PAROLE
2 IMPOSED UNDER THIS ACT, AN ORDER OF PAROLE FOR A PRISONER SERVING A
3 SENTENCE FOR A CRIME LISTED IN SUBSECTION (4) IS SUBJECT TO ALL OF
4 THE FOLLOWING CONDITIONS:

5 (A) SUBJECT TO SUBSECTION (2), THE TERM OF THE ORDER OF PAROLE
6 SHALL BE NOT LESS THAN 3 YEARS AND MAY BE FOR THE DURATION OF THE
7 PRISONER'S NATURAL LIFE.

8 (B) THE PAROLEE SHALL BE REQUIRED TO PARTICIPATE IN A REGULAR
9 PROGRAM OF SEX OFFENDER TREATMENT.

1 (C) THE PRISONER SHALL BE SUPERVISED BY 1 OR MORE PAROLE
2 OFFICERS WHO HAVE RECEIVED SPECIALIZED TRAINING IN THE SUPERVISION
3 OF SEX OFFENDERS, INCLUDING THE IMPACT OF SEXUAL ASSAULT ON ITS
4 VICTIMS.

5 (D) BEGINNING 180 DAYS AFTER THE PRISONER'S RELEASE ON PAROLE
6 AND CONTINUING EVERY 180 DAYS AFTER THAT FOR THE DURATION OF HIS OR
7 HER TERM OF PAROLE, A PAROLE OFFICER SHALL PREPARE A PROGRESS
8 REPORT DETAILING THE OFFENDER'S ADJUSTMENT AND COMPLIANCE WITH THE
9 CONDITIONS OF PAROLE INCLUDING THE OFFENDER'S PARTICIPATION AND
10 PROGRESS IN SEX OFFENDER TREATMENT. THE PROGRESS REPORT SHALL BE
11 SUBMITTED TO THE PAROLE BOARD AND COPIES PROVIDED TO THE CHIEF OF
12 THE LOCAL LAW ENFORCEMENT AGENCY AND THE SHERIFF IN THE
13 MUNICIPALITY AND COUNTY IN WHICH THE OFFENDER RESIDES AND IS
14 REGISTERED.

15 (2) A PAROLEE WHO IS SUBJECT TO THIS SECTION AND WHOSE TERM OF
16 PAROLE IS GREATER THAN 3 YEARS, AND WHO HAS SERVED AT LEAST 3 YEARS
17 OF THAT TERM WITHOUT HAVING VIOLATED HIS OR HER CONDITIONS OF
18 PAROLE, MAY SUBMIT A REQUEST TO THE PAROLE BOARD TO DISCHARGE HIM
19 OR HER FROM PAROLE. TO BE VALID, THE REQUEST MUST BE APPROVED BY
20 THE PAROLE OFFICER CHIEFLY RESPONSIBLE FOR SUPERVISING THE PAROLEE
21 AND MUST BE SUPPORTED BY A WRITTEN EVALUATION SUITABLE TO THE
22 PAROLE BOARD STATING THAT THE PAROLEE HAS SUCCESSFULLY PARTICIPATED
23 IN A SEX OFFENDER TREATMENT PROGRAM AND IS NOT LIKELY TO COMMIT A
24 CRIMINAL SEXUAL OFFENSE IF HE OR SHE IS RELEASED FROM PAROLE. IF
25 THE PAROLE BOARD APPROVES THE REQUEST, THE PAROLEE SHALL BE
26 CONSIDERED TO HAVE COMPLETED HIS OR HER TERM OF PAROLE.

27 (3) THE DEPARTMENT SHALL PROVIDE THE TRAINING DESCRIBED IN

1 SUBSECTION (2) (C) TO A SUFFICIENT NUMBER OF PAROLE OFFICERS TO
2 IMPLEMENT THIS SECTION.

3 (4) THIS SECTION APPLIES TO THE FOLLOWING OFFENSES:

4 (A) CRIMINAL SEXUAL CONDUCT IN THE FIRST, SECOND, OR THIRD
5 DEGREE OR ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT,
6 REGARDLESS OF THE AGE OF THE VICTIM.

7 (B) ANY VIOLATION OF A LAW OF THIS STATE OR A LOCAL ORDINANCE
8 OF A MUNICIPALITY THAT BY ITS NATURE CONSTITUTES A SEXUAL OFFENSE
9 IN WHICH THE VICTIM WAS LESS THAN 18 YEARS OF AGE.