

SENATE BILL No. 1055

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

A bill to amend 1962 PA 60, entitled

"An act to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment,"

by amending section 1 (MCL 801.251), as amended by 1987 PA 146.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Except as otherwise provided in ~~subsection (2)~~
2 **THIS SECTION, IN IMPOSING** a sentence or **ORDERING THE** commitment of
3 a person to a county jail for any reason, **THE COURT** may grant to
4 the person the privilege of leaving the jail during necessary and
5 reasonable hours for any of the following purposes:

6 (a) Seeking employment.

7 (b) Working at his or her employment.

1 (c) Conducting his or her own self-employed business or
2 occupation, including housekeeping and caring for the needs of his
3 or her family.

4 (d) Attendance at an educational institution.

5 (e) Medical treatment, substance abuse treatment, mental
6 health counseling, or psychological counseling.

7 (2) A person may petition the court for such privilege at the
8 time of sentence or commitment, and in the discretion of the court
9 may renew his or her petition. The court may withdraw the privilege
10 at any time by order entered with or without notice.

11 (3) ~~(2)~~ A person shall not be granted the privileges described
12 in subsection (1), except for the privilege of leaving the jail
13 during necessary and reasonable hours for the purpose of medical
14 treatment, substance abuse treatment, mental health counseling, or
15 psychological counseling, if the person is housed in the jail while
16 serving all or any part of a sentence of imprisonment for any of
17 the following crimes:

18 (a) Section 145c, 520b, 520c, 520d, or 520g of the Michigan
19 penal code, ~~Act No. 328 of the Public Acts of 1931, being sections~~
20 ~~750.145c, 750.520b, 750.520c, 750.520d, and 750.520g of the~~
21 ~~Michigan Compiled Laws 1931 PA 328, MCL 750.145C, 750.520B,~~
22 **750.520C, 750.520D, AND 750.520G.**

23 (b) Murder in connection with sexual misconduct.

24 (c) An attempt to commit a crime described in subdivision (a)
25 or (b).

26 (4) **IN ADDITION TO ANY OTHER REQUIREMENTS FOR THE PROPER**
27 **SUPERVISION OF A PERSON GRANTED THE PRIVILEGE OF LEAVING JAIL UNDER**

1 THIS ACT, THE COURT ORDER GRANTING THAT PRIVILEGE SHALL PROHIBIT
2 THE PERSON DESCRIBED IN THIS SUBSECTION FROM PARTICIPATING IN ANY
3 WAY IN ACTIVITIES TRADITIONALLY CONDUCTED DURING HOLIDAYS WHEN
4 INDIVIDUALS LESS THAN 18 YEARS OF AGE ARE PRESENT, INCLUDING, BUT
5 NOT LIMITED TO, WEARING A COSTUME RELATED TO THE TRADITIONS OF THE
6 HOLIDAY OR DISPENSING CANDY. THIS SUBSECTION APPLIES TO ANY PERSON
7 WHO WAS CONVICTED OF A LISTED OFFENSE AS THAT TERM IS DEFINED IN
8 SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL
9 28.722, AND WHO IS RELEASED FROM JAIL UNDER THIS ACT ON OR AFTER
10 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS

11 SUBSECTION. THIS SUBSECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

12 (A) A PERSON WHO WAS RELEASED FROM JAIL UNDER THIS ACT BEFORE
13 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
14 SUBSECTION.

15 (B) A PARENT OR GUARDIAN OF A PERSON UNDER 18 YEARS OF AGE WHO
16 IS PRESENT IN THE PERSON'S HOME WHERE NO OTHER INDIVIDUALS LESS
17 THAN 18 YEARS OF AGE ARE PRESENT, EXCEPT AS OTHERWISE PROVIDED IN
18 SUBDIVISION (C).

19 (C) A PERSON ATTENDING A HOLIDAY GATHERING THAT IS PRIMARILY
20 ATTENDED BY THE PERSON'S IMMEDIATE FAMILY. AS USED IN THIS
21 SUBDIVISION, "IMMEDIATE FAMILY" MEANS ANY OF THE FOLLOWING:

22 (i) THE PERSON'S PARENT, SPOUSE, SIBLING, OR CHILD.

23 (ii) THE SPOUSE OF THE PERSON'S PARENT, SIBLING, OR CHILD.

24 (iii) A CHILD OF THE PERSON'S PARENT, SPOUSE, SIBLING, OR CHILD.

25 (5) ~~(3)~~As used in this act, "jail" means a facility that is
26 operated by a county for the detention of persons charged with, or
27 convicted of, criminal offenses or ordinance violations, or persons

1 found guilty of civil or criminal contempt, for not more than 1
2 year.